

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

January 21, 2003

2:00 p.m.

The Council of the City of Roanoke met in regular session on Tuesday, January 21, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, William H. Carder and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

POLICE DEPARTMENT-ACTS OF ACKNOWLEDGMENT: Dan Allen, representing the Virginia Association of Chiefs of Police, presented a "Saved By The Belt" safety award to Stephanie Hallis, a resident of the City of Roanoke, in recognition of Ms. Hallis' decision to use her seat belt, which was a life saving decision. He called upon Roanoke City Police Officer, Jennings W. Tardy, who conducted the investigation.

Officer Tardy advised that Ms. Hallis was driving south on the Roy L. Webber Highway in the left lane when her vehicle was struck head on by a vehicle going north in the southbound lane, her vehicle rotated to the right and struck the side of a tractor trailer at a speed of approximately 55 miles per hour. He stated that if Ms. Hallis had not been wearing her seat belt, she would have impacted the steering column of her vehicle and would have been killed instantaneously.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. The Mayor called attention to two requests for closed sessions regarding vacancies on certain Council-Appointed authorities, boards, commissions and committees; and a request of the City Attorney with regard to the provision of legal advice by counsel.

MINUTES: Minutes of the regular meeting of Council held on Monday, December 2, 2002; and a special meeting of Council held on Friday, December 6, 2002, were before the body.

Mr. Cutler moved that the minutes be approved as printed and that the reading thereof be dispensed with. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before Council.

Mr. Cutler moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: NONE-----0.

ANNUAL REPORTS-REAL ESTATE VALUATION: A communication from the Director of Real Estate Valuation advising that as prescribed by law, the Office of Real Estate Valuation has completed the Annual General Reassessment Program for fiscal year 2003-04; "Change of Assessment Notices" were mailed to property owners on January 18, 2003; and the real estate tax base increased approximately 5.9 per cent due to this year's annual reassessment, which figure is subject to appeals and excludes new construction, was before Council.

It was further advised that new construction in Roanoke City totals \$80.5 million dollars and will add another 1.86 per cent to the tax base, which is down slightly from last year's 2.06 per cent rate; residential new construction totals \$43.7 million dollars and commercial new construction totals \$36.8 million dollars; last year's new construction totaled \$84.3 million dollars; and overall, the general reassessment program and new construction indicate growth of 7.8 per cent in the real estate tax base to July 1, 2003; and last year's growth was 5.3 per cent.

It was explained that unlike the financial markets, the real estate markets have remained strong during the last three years of weak economic growth; low interest rates generally, and historically low mortgage interest rates in particular, have helped the real estate markets weather this recessionary environment; rates continue to fuel increased new home construction, remodeling and repair activity; and assessment appeals will be conducted from January 18 through February 15, 2003.

Mr. Cutler moved that the communication be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: NONE-----0.

OATHS OF OFFICE-TRAFFIC-ZONING-COMMITTEES-TRANSPORTATION SAFETY-TRAFFIC: The following reports of qualification were before Council:

Joseph F. Miller and William D. Poe as members of the Board of Zoning Appeals, for terms ending December 31, 2005; and

Kenneth H. King, Jr., as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2006.

Mr. Cutler moved that the reports of qualification be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed meeting to consult with legal counsel on a specific matter requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Attorney to convene in a Closed Meeting to consult with legal counsel on a specific matter requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: NONE-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

CITY EMPLOYEES: The City Manager submitted a communication advising that military leave at full pay is limited to 15 work days per Federal fiscal year for employees of the City of Roanoke who are military reservists called to active duty; Council approved Special Military Pay on November 5, 2001, to provide supplemental pay for military reservists called to active duty related to the war on terrorism, which was effective through September 30, 2002, and benefitted three City employees called from reserve status to active duty; and there are 38 reservists in 12 departments within the City of Roanoke who are currently employed on a full time basis.

The City Manager recommended that Council approve a special policy to pay military reservists who are called to active duty and serve between the period of October 1, 2002 and September 30, 2003, the difference between their military base pay (including any other related compensation received from the military) and pay with the City of Roanoke in their current job; covered employees would be those reservists who are called to active duty related to the country's war on terrorism, subsequent to the employee's employment with the City of Roanoke; and supplemental pay will be provided upon request and with the necessary documentation provided to the Department of Human Resources.

Mr. Carder offered the following resolution:

(#36194-012103) A RESOLUTION authorizing payment of supplementary compensation and restoration of certain benefits to certain employees called to active military duty.

(For full text of Resolution, see Resolution Book No. 67, page 59.)

Mr. Carder moved the adoption of Resolution No. 36194-012103. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-FIRE DEPARTMENT-GRANTS: The City Manager submitted a communication advising that the Fire Programs Fund was established by the General Assembly, effective October 4, 1985, pursuant to Section 38.1-44.1 of the Code of Virginia; the sunset clause requiring expiration of the Fund on July 1, 1990, was removed, thus, the City's annual allocation of State funds will continue indefinitely; program guidelines require that funds received are non-supplanting and may not be used to replace existing local funding; and funds must be used in accordance with provisions established by the State Department of Fire Programs.

It was further advised that the City of Roanoke's allocation of \$127,201.85 was deposited into Account No. 035-520-3233-3233 from the Department of Fire Programs; the City's portion of the Roanoke Regional Fire-EMS Training Center debt service is \$60,000.00, which is paid annually from this revenue source; and Council action is needed to formally accept and appropriate the funds and to authorize the Director of Finance to establish revenue estimates and appropriate accounts in the Grant Fund to purchase equipment and supplies, in accordance with provisions of the program.

The City Manager recommended that she be authorized to accept the Fire Programs Grant, to accept and file any documents setting forth conditions of the grant, to furnish such additional information as may be required and to appropriate Grant Funds of \$127,202.00, with corresponding revenue estimates, in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36195-012103) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 60.)

Mr. Dowe moved the adoption of Ordinance No. 36195-012103. The motion was seconded by Mr. Cutler.

On behalf of Ms. Helen E. Davis, Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., inquired as to which part of the grant will be used to pay for a study to evaluate the proposed closing of four more fire stations in the City of Roanoke.

Ordinance No. 36195-012103 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36196-012103) A RESOLUTION authorizing the acceptance of the FY2003 Fire Programs Funds Grant made to the City of Roanoke by the Virginia Department of Fire Programs and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

(For full text of Resolution, see Resolution Book No. 67, page 61.)

Mr. Dowe moved the adoption of Resolution No. 36196-012103. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that the Virginia Community Action Re-entry System, Inc. (Va. CARES) is a statewide, nonprofit offender services organization, with its home office in the City of Roanoke; Va. CARES was awarded \$950,000.00 in State funding from the Virginia Department of Criminal Justice Services (DCJS) to operate from July 1, 2002, to June 30, 2003; due to budget cuts, DCJS notified Va. CARES that State funds would terminate on December 31, 2002, but that the Federal Byrne Memorial Formula Grant Program (Byrne Grant) funds, also administered by DCJS, would be made available for the remainder of the program year; and Federal funds require a 25 per cent cash match and may be awarded only to a locality, which would then be expected to contract with Va. CARES to conduct offender services.

It was further advised that on January 6, 2003, pursuant to Resolution No. 36192-010603, Council authorized the City Manager to execute an application for \$331,102.00 in Byrne Grant funds, contingent upon the ability of Va. CARES to secure and operate for at least the initial six weeks with the matching funds; since Council's action on January 6th, DCJS has provided the forms for acceptance of the Byrne Grant; Va. CARES has been working to secure all necessary matching funds and is presently using matching funds to operate, in accordance with the City's conditions regarding the Byrne Grant application; and Va. CARES and City staff have also held meetings to work out the details of a contract between the two parties.

A draft contract was transmitted which incorporates all applicable provisions of the Va. CARES program design from its prior agreement with DCJS, as well as the application for the Byrne Grant funds and the pending grant agreement between the City and DCJS; under the contract, the City will act as fiscal agent and project administrator, but day-to-day operational activities, such as service delivery, payroll functions and vendor payments, will be performed by Va. CARES home and satellite offices and its subcontractors; and because Va. CARES operates through a network of 12 offices, including its home office, two Va. CARES satellite offices and nine subcontractor offices, it would not be feasible for the City to obtain all source documents for expenditures when disbursing grant funds.

It was stated that because Va. CARES has no cash flow, other than the matching funds it has secured, the City would need to begin advancing grant funds as early as February 2003; as with any advance disbursement agreement, the City must be willing to assume a level of risk with respect to the actuality of disbursed funds being expended and the allowability of such expenditures; contract procedures will provide that Byrne Grant funds disbursed to Va. CARES cannot exceed the amount warranted by match expenditures, in principle avoiding City liability for match shortfalls; limited reviews of expenditure source documents can be made by the Department of Finance at interim points during the period of the Agreement, prior to the program audit; the City's risk is further mitigated by the over 20 years of Va. CARES' continuous operation and its consistent record with the State for clean audits, however, risk cannot be eliminated; and it is also important to consider that, should Va. CARES not secure funding for the future, obtaining program records and other efforts associated with closing out the program will be the City's responsibility.

The City Manager recommended the following:

Authorize the City Manager to execute, on behalf of the City, the necessary forms for accepting the DCJS Byrne Grant funds;

Appropriate \$331,102.00 in Byrne Grant funds to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance; and

Authorize the City Manager to execute a subgrant agreement with Va. CARES to be approved as to form by the City Attorney.

Mr. Dowe offered the following budget ordinance:

(#36197-012103) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 62.)

Mr. Dowe moved the adoption of Ordinance No. 36197-012103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36198-012103) A RESOLUTION accepting a grant of funds from the Byrne Memorial Formula Grant Program, administered by the Virginia Department of Criminal Justice Services, authorizing the City Manager to execute the requisite documents for such grant, authorizing the City Manager to execute a subgrant agreement with the Virginia Community Action Re-entry System, Inc. ("Virginia CARES"), upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 67, page 63.)

Mr. Dowe moved the adoption of Resolution No. 36198-012103. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-EMERGENCY SERVICES-GRANTS: The City Manager submitted a communication advising that the Federal Emergency Management Agency has awarded the City of Roanoke a grant, in the amount of \$22,692.00, through the State and Local All-Hazards Emergency Operations Planning Grant Program, which will be available by mid-January and must be used to ensure comprehensive plans that address preparation for, and response to, all threats including terrorist attacks; funds will be used to enhance ongoing emergency operations planning programs, development of strategies for overall local preparedness, training and exercising of plans; and the 100 per cent Federal grant is based on \$5,000.00 per locality, plus \$.18 per capita, and funds must be spent by December 12, 2003.

It was further advised that the City of Roanoke must agree to complete specific activities designed to improve operational effectiveness, which activities were expressly developed for each jurisdiction based on current levels of preparedness; activities include regional planning, mutual aid, training, exercises, assessing current capabilities, developing a plan to enhance community readiness and identifying the use of future Federal funds; and action by Council is needed to formally accept and appropriate funds in the Grant Fund, in accordance with provisions of the program.

The City Manager recommended that she be authorized to execute a grant agreement and that Council appropriate \$22,692.00, with a corresponding revenue estimate in the Grant Fund.

Mr. Carder offered the following budget ordinance:

(#36199-012103) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 65.)

Mr. Carder moved the adoption of Ordinance No. 36199-012103. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36200-012103) A RESOLUTION authorizing the acceptance of a grant of funds from the State and local All-Hazards Emergency Operations Planning Grant Program offered through the Federal Emergency Management Agency (FEMA), and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 67, page 66.)

Mr. Dowe moved the adoption of Resolution No. 36200-012103. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-SEWERS AND STORM DRAINS-BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that the Roanoke Water Pollution Control Plant (WPCP) Wet Weather Project approved earlier this year by Council is approaching the 65 per cent design phase; based upon comments received from both the Virginia Department of Health and the Department of Environmental Quality, and recommendations of the City's contract engineers, critical elements of the project will require that adjacent parcels of land be purchased, in order to obtain a functional design; and design of the project is sufficiently complete to identify the necessary property acquisitions for construction.

It was further advised that authorization is needed to move forward with procurement of title work, appraisals, and document preparation related to acquisition of the necessary property rights; projected cost for acquisition of the necessary property rights is approximately \$1,000,052.00, which cost cannot be included within the anticipated financing mechanism for the project; and in light of this restriction, it will be necessary to fund the purchases from Water Pollution Control Retained Earnings.

The City Manager recommended that the City Manager and the City Attorney be authorized to take the necessary steps to acquire all property rights, said property rights may be acquired by negotiation or eminent domain, and may include fee simple, permanent easements, permanent access easements, temporary construction easements, rights-of-way, licenses or permits, etc., subject to satisfactory environmental site inspection; and that Council appropriate funds totaling \$1,000,052.00 to the Water Pollution Control Wet Weather project, Account No. 003-510-8362-9003, as follows: \$457,124.00 from Water Pollution Control Retained Earnings and establish an accounts receivable for shared expenses of property acquisition costs to be funded with other jurisdictional partners.

Mr. Dowe offered the following budget ordinance:

(#36201-012103) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Pollution Control Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 67.)

Mr. Dowe moved the adoption of Ordinance No. 36201-012103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

Mr. Cutler offered the following ordinance:

(#36202-012103) AN ORDINANCE providing for the acquisition of property rights needed by the City for the construction of the Roanoke Water Pollution Control Plan ("WPCP") Wet Weather Project; authorizing the City Manager to fix a certain limit on the consideration to be offered by the City; providing for the City's acquisition of such property rights by condemnation, under certain circumstances; authorizing the City to make motion for the award of a right of entry on any of the parcels for the purpose of commencing the project; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 68.)

Mr. Cutler moved the adoption of Ordinance No. 36202-012103. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-GRANTS-EMERGENCY MEDICAL SERVICES-FIRE DEPARTMENT: The City Manager submitted a communication advising that the Virginia Department of Health, Office of Emergency Medical Services, has a Consolidated Grants Program that is administered twice annually; and Roanoke Fire-EMS applied for the grant in order to furnish front-line ambulances with seven Zoll M-Series Defibrillators.

It was further advised that in January 2003, the State Office of Emergency Medical Services awarded Roanoke Fire-EMS a grant of \$42,000.00 for the project, requiring a \$42,000.00 local match; sufficient matching funds for the grant was appropriated through CMERP in the fall of 2002 and is available in Account Nos. 001-520-3213-9132 and 001-520-3521-2005; and action by Council is needed to formally accept and appropriate the funds and to authorize the Director of Finance to establish revenue estimates and appropriation accounts to purchase equipment and supplies, in accordance with provisions of the grant.

The City Manager recommended that Council accept the Office of Emergency Medical Services Consolidated Grant, authorize the City Manager to execute the grant agreement and any related documents, and appropriate State grant funds totaling \$42,000.00, with a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund; and transfer the local match of \$38,580.00 from Account No. 001-520-3213-9132 and \$3,420.00 from Account No. 001-520-3521-2005, to the Grant Fund account.

Mr. Dowe offered the following budget ordinance:

(#36203-012103) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 70.)

Mr. Dowe moved the adoption of Ordinance No. 36203-012103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36204-012103) A RESOLUTION authorizing the acceptance of the Office of Emergency Medical Services (OEMS) Consolidated Grant made to the City of Roanoke by the Virginia Department of Health, Office of Emergency Medical Services, and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

(For full text of Resolution, see Resolution Book No. 67, page 71.)

Mr. Dowe moved the adoption of Resolution No. 36204-012103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-DRUGS/SUBSTANCE ABUSE-CITY PROPERTY:
The City Manager submitted a communication advising that in 1991, the Virginia General Assembly passed State legislation allowing local law enforcement to seize and have forfeited property connected with illegal narcotics distribution; the law also makes it possible for police departments to receive proceeds from forfeited properties; application for an equitable share of the property seized by local law enforcement must be made to the Department of Criminal Justice Services, Forfeited Asset Sharing Program and certified by the Chief of Police; property, including funds shared with State and local agencies, may be used only for law enforcement purposes; program requirements include that funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; and revenues totaling \$75,950.00 have been collected and are available for appropriation in Grant Fund Account Nos. 035-640-3302-3300 and 035-640-3302-3299.

The City Manager recommended that Council appropriate \$75,950.00 to the Grant Fund for Overtime Wages, Account No. 035-640-3302-1003, and increase the Grant Fund revenue estimate in Account No. 035-640-3302-3300 by \$73,790.00 and Account No. 035-640-3302-3299 by \$2,160.00.

Mr. Dowe offered the following budget ordinance:

(#36205-012103) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 72.)

Mr. Dowe moved the adoption of Ordinance No. 36205-012103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET-DRUGS/SUBSTANCE ABUSE-CITY PROPERTY:
The City Manager submitted a communication advising that in 1986, Congress authorized the transfer of certain Federally forfeited property to State and local law enforcement agencies that participated in the investigation and seizure of the property; application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the City Attorney; and property, including funds shared with State and local agencies, may be used only for the purpose stated in the application; i.e., narcotics investigations related to law enforcement.

It was further advised that participation in Federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, and offsets costs that would otherwise have to be borne by the City's taxpayers; the Police Department receives funds periodically from the Federal Government's Asset Sharing Program; grant requirements state that the funds must be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; and revenues totaling \$13,877.00 have been collected and are available for appropriation in Grant Fund Account Nos. 035-640-3304-3305 and 035-640-3304-3306.

The City Manager recommended that Council appropriate \$13,877.00 to the Grant Fund account for Investigations & Rewards, Account No. 335-640-3304-2150, and increase the Grant Fund revenue estimate for Account No. 035-640-3304-3305 by \$13,596.00 and Account No. 035-640-3304-3306 by \$281.00.

Mr. Harris offered the following budget ordinance:

(#36206-012103) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 73.)

Mr. Harris moved the adoption of Ordinance No. 36206-012103. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

PARKS AND RECREATION-GRANTS-WATER RESOURCES: The City Manager submitted a communication advising that the Virginia Recreational Trails Fund Program is an “80/20” reimbursable Grant Program established for the purpose of providing and maintaining recreational trails and trail-related facilities; funded through the Transportation Equity Act for the 21st Century (TEA-21), the program allocates funds to States for recreational trails and trail-related projects; and the state agency responsible for administering the program is the Virginia Department of Conservation and Recreation.

It was further advised that as defined within the Carvins Cove Land Use Plan, the City concluded that “careful design of proposed enhancements and trail locations should be considered to preserve the existing wilderness environment of Carvins Cove”; to accomplish these sustainable enhancements, the Plan further illustrates the need for both an inventory and an assessment of the overall trail’s system; and if funded, this grant opportunity would enable the City to create an accurate trails catalog via GPS data collection, to rehabilitate an eight-mile section of the 40+ mile trail system to a sustainable level, and to install wayfinding signage.

It was stated that to attain the City’s matching 20 per cent component of the \$80,000.00, the Departments of Utilities and Parks and Recreation will combine resources via collected Cove user fees and in-kind volunteer trail labor to match the Federal portion of the program; and there is significant community in-kind support for

this initiative in the form of trails signage donations from East Coasters Cycle and Fitness, trail assessment management from the Appalachian Trails Conference, and site maintenance work through both the Valley Shared Trails network (VAST) and Roanoke Valley's Pathfinders for Greenways.

The City Manager recommended that she be authorized to submit a grant proposal to the Virginia Department of Conservation and Recreation pertinent to the described improvements to the Carvins Cove trail system, in an overall grant amount not to exceed \$80,000.00.

Mr. Harris offered the following resolution:

(#36207-012103) A RESOLUTION authorizing the City Manager to apply for a grant for a Virginia Recreational Trails Fund Program administered through the Virginia Department of Conservation and Recreation.

(For full text of Resolution, see Resolution Book No. 67, page 75.)

Mr. Harris moved the adoption of Resolution No. 36207-012103. The motion was seconded by Mr. Dowe.

Council Member Cutler inquired if an inventory of the condition of all of the trails in the Carvins Cove natural reserve have been completed; is the Department of Parks and Recreation in charge of that aspect of Carvins Cove improvement; will mountain biking, hiking and equestrian clubs using the Cove be invited to volunteer for the inventory, relocation and maintenance of the trails; will a recreational map of Carvins Cove be prepared; and how will funds generated by the entrance fee to Carvins Cove be used.

The City Manager advised that all fees currently collected as admission to Carvins Cove are set aside in a separate fund, in order to make needed improvements to Carvins Cove as a recreational asset and funds are not used as operational expenses of the Cove. She stated that there are a significant number of trails that have been inventoried by the Parks and Recreation Department, many of which have been identified as not being needed and others that need significant improvements, which is the purpose of the proposed grant.

Resolution No. 36207-012103 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-TOURISM-ECONOMIC DEVELOPMENT-CONSULTANTS REPORTS: The City Manager submitted a communication advising that in early 2002, at the request of Council, the City began the process of establishing a Roanoke marketing identity, or brand, to help spur regional economic development and tourism; the City surveyed the scope, cost and effectiveness of branding services procured by a number of localities in Virginia and elsewhere; a Request for Proposals was developed, in partnership with Roanoke County, advertised and mailed to approximately 25 local, regional, national, and international firms with branding experience; and nine proposals were received on February 15, 2002.

It was further advised that a regional team consisting of economic development, tourism and marketing professionals (public, private and non-profit) reviewed the bids, interviewed finalists, and identified the top candidate as the San Francisco-based Landor Associates, reportedly the largest and oldest branding firm in the world; and the identity development process will take approximately four months and will consist of the following activities:

Discovery: exploring existing research and views and determining competitive strengths through a series of management and stakeholder interviews and through other research;

Vision development: determining Roanoke's strategic vision, position and goals through an equity modeling workshop, constituent assessments and other research;

Identity development: creating Roanoke's brand identity through design, work sessions, and presentations;

Marketing plan development: determining key applications for and extensions of the brand through the development of a marketing plan; and

Documentation: ensuring the consistency of the brand through the development of guidelines and graphic requirements.

It was stated that funding in the amount of \$300,000.00 is needed for the project; funding was designated in the Capital Maintenance and Equipment Replacement Program approved by Council in September 2002; work will focus specifically on development of a "Roanoke" marketing identity for use by the City of Roanoke and by Roanoke County, if so desired; however, the identity will be developed with consideration to a regional endorsement brand to be developed under the guidance of the Roanoke Valley-Alleghany Regional Commission's Regional Alliance.

The City Manager recommended that Council authorize transfer of \$300,000.00 from Account No. 008-052-9575-9178 to an account to be established by the Director of Finance.

Mr. Carder offered the following budget ordinance:

(#36208-012103) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 75.)

Mr. Carder moved the adoption of Ordinance No. 36208-012103. The motion was seconded by Mr. Dowe.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N E., inquired as to the type of marketing identity and approximately how much of the funds will be expended for this purpose.

Council Member Carder advised that progressive cities all across the country are working on branding, marketing and identifying who and what they are. He stated that this represents an investment in Roanoke's economic future in order to attract new business and tourists, to create additional revenue, and to reinvigorate the City with a sense of community pride. He stated that branding is more than just an ad, it is internal marketing; and Roanoke is a great "well kept secret" and the consultant will help Roanoke to identify its branding, both internally and externally. He added that in these days, cities are competing in a world market to be recognized for not only quality of life, but business and economic development, and Roanoke has to market itself as a business and as a commodity. He stated that it is not about a logo, but the formulation of a complete market analysis and branding that will differentiate Roanoke from others. He explained that the Regional Alliance authorized funds to be used toward branding efforts and this branding effort will go hand in hand with the regional effort.

Council Member Dowe advised that many of our own citizens view Roanoke as a railroad town, and within the Comprehensive Plan, it is stated that Roanokers must continue to “sell ourselves to each other”. He stated that this is a time to not only encourage Roanokers to believe in themselves, but to get the rest of the nation to take us seriously, and the purpose is to see what the new Roanoke should look like and how to get all citizens to buy in so that we can all sell the City of Roanoke.

The City Manager advised that branding, or the creation of an identity for the region, is one of the corner stones of the regional economic development strategy; and all of the jurisdictions in the Roanoke Valley have endorsed the concept over the last several months. She called attention to the importance of marketing a community which actually sells the community and offers an opportunity for select people to know about and visit Roanoke. She stated that a number of private sector individuals, as well as participants in neighboring jurisdictions, participated in a panel that selected this nationally known firm, and the City has been waiting for the results of the regional economic development strategy before proceeding as a priority as identified by Council at its last planning retreat. She advised that funds were appropriated by Council in September 2002 through adoption of the Capital Maintenance and Equipment Replacement Program budget and Council’s action today will place the funds into the appropriate account so as to authorize the contract.

Ordinance No. 36208-012103 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

CITY ATTORNEY:

COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER: The City Attorney submitted a written report transmitting a resolution expressing Council’s intent with regard to appointments to the Hotel Roanoke Conference Center Commission to provide that one member will be a current member of City Council, one member will be either the City Manager or another City employee, and one member will be a citizen at large.

Mr. Dowe offered the following resolution:

(#36209-012103) A RESOLUTION amending Resolution No. 30964-041392, relating to the appointment of Commissioners to the Hotel Roanoke Conference Center Commission.

(For full text of Resolution, see Resolution Book No. 67, page 76.)

Mr. Dowe moved the adoption of Resolution No. 36209-012103. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

CITY CLERK:

COMMITTEES-SCHOOLS: The City Clerk submitted a written report advising that pursuant to Chapter 9, Education, Code of the City of Roanoke (1979), as amended, establishing a procedure for the election of School Trustees, the terms of office of F. B. Webster Day, Marsha W. Ellison and Gloria P. Manns will expire on June 30, 2003; and Ms. Ellison is ineligible to serve another term inasmuch as she has served three consecutive three year terms of office.

It was further advised that pursuant to Section 9-16 of the Code of the City of Roanoke (1979), as amended, on or before February 15 of each year, Council shall announce its intention to elect Trustees of the Roanoke City School Board for terms commencing July 1 through (1) public announcement of such intention at two consecutive regular sessions of the Council and (2) advertisement of such intention in a newspaper of general circulation in the City twice a week for two consecutive weeks; Section 9-17 of the City Code provides that applications must be filed in the City Clerk's Office by March 10 of each year; application forms will be available in the City Clerk's Office and may be obtained between the hours of 8:00 a.m., and 5:00 p.m., Monday through Friday, or applicants may complete the application online at the City of Roanoke's web page at www.roanokegov.com; and information describing duties and responsibilities of School Trustees will be available.

Without objection by Council, the Mayor advised that the report would be received and filed.

DIRECTOR OF FINANCE:

INSURANCE-BUDGET-RISK MANAGEMENT FUND: The Director of Finance submitted a written report advising that Section 2-188.1 Reserve for self-insured liabilities, Code of the City of Roanoke (1979), as amended, stipulates that at the conclusion of each fiscal year, \$250,000.00, to the extent available from any undesignated General Fund balance at the end of such fiscal year, shall be reserved for self-insured liabilities of the City; maximum balance of the reserve is three per cent of total General Fund appropriations for the concluded fiscal year; and as such, on June 30, 2002, \$250,000.00 was reserved in the General Fund for self-insured liabilities.

The Director of Finance transmitted a budget ordinance appropriating \$250,000.00 reserved in the General Fund for self-insured liabilities to be transferred to the Risk Management Fund where the remaining self-insured reserve exists; and the budget ordinance also establishes a revenue estimate in the Risk Management Fund for the transfer, increasing the Reserve for Self-Insured Liabilities.

Mr. Dowe offered the following budget ordinance:

(#36210-012103) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Risk Management Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 78.)

Mr. Dowe moved the adoption of Ordinance No. 36210-012103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting the following appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request, were before the body.

\$8,250.00 for the Western Virginia Regional Science Fair, which continuing grant program is funded by participating school districts and corporate and individual contributions, with a local match by the Roanoke City Public Schools.

\$5,000.00 for the Homeless Assistance program to provide instructional services to homeless students, which continuing program is 100 per cent reimbursed by Federal funds.

\$15,000.00 for the FY2002-03 Chess program to fund chess materials and tournament participation costs, which continuing grant program has received a private donation.

The School Board further requested that Council approve appropriations which were approved by the School Board at its meeting on May 14, 2002, in connection with improvements to the Roanoke Academy for Mathematics and Science, advising that the School Board withheld requesting Council's approval of the appropriations until the land swap for the Kennedy Park property was approved by the Federal Government, which occurred in 2002.

The requested appropriations are as follows:

\$6,395,000.00 for improvements to the Roanoke Academy for Mathematics and Science; improvements are funded with 1999 Bond funds, a Literary Fund loan, and City capital funds; and \$1,276,260.00 for improvements to Roanoke Academy for Mathematics and Science through Qualified Zone Academy Bond funds and will be used to purchase furniture and equipment for the facility.

A report of the Director of Finance recommending that Council concur in the requests was also before the body.

Mr. Cutler offered the following budget ordinance:

(#36211-012103) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects, School and School Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 79.)

Mr. Cutler moved the adoption of Ordinance No. 36211-012103. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

CITY EMPLOYEES: Council Member Wyatt referred to the City’s new overtime policy which provides that if an employee is on annual leave and they are called back to work on their day off, they are not paid overtime. She advised that it is her understanding that since the policy was implemented, the City is having difficulty finding employees who are willing to return to work; whereupon, she requested a status report by the City Manager.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, report and recommendation to Council.

BUDGET-TOURISM-ECONOMIC DEVELOPMENT-CONSULTANTS REPORTS: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., presented a follow up question regarding appropriation of funds for development of a marketing identity (agenda item 6.a.10.) and inquired as to how much of the funding will be used for the marketing study.

The City Manager responded that a total amount of \$300,000.00 has been appropriated; however, the actual contract with the consultant is for a lesser amount.

POLICE DEPARTMENT-BUDGET-GRANTS: Theodore J. Edlich, III, Executive Director, Total Action Against Poverty, expressed appreciation with regard to Council’s previous action (agenda item 6.a.3.) accepting a grant of funds from the Byrne Memorial Formula Grant Program for Virginia CARES.

CITY MANAGER COMMENTS:

CITY MANAGER-CITY EMPLOYEES: The City Manager introduced E. Gwin Ellis, who assumed the position of Assistant to the City Manager, on Tuesday, January 21, 2003.

DOWNTOWN ROANOKE, INCORPORATED-PARKING FACILITIES: The City Manager advised that Municipal Parking Garages are available for parking free of charge on weekdays after 5:00 p.m., and on weekends, in order to promote the availability of parking in downtown Roanoke.

At 2:50 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the City Council's Conference Room for three briefings and two Closed Meetings.

At 3:00 p.m., the Council meeting reconvened in the Council's Conference Room for three briefings.

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS-ANNUAL REPORTS-PENSIONS: The Director of Finance introduced a briefing on the fiscal year 2002 Comprehensive Annual Financial Report (CAFR). He advised that due to implementation of the Government Accounting Standards Board Statement No. 34, which was previously discussed with Council, and inasmuch as the Fiscal Year 2002 CAFR is significantly different from previous CAFRs, it is important to brief the Members of Council on some of the changes.

Ann Shawver, Deputy Director of Finance, advised that governmental financial reporting is promulgated by the Governmental Accounting Standards Board (GASB), which sets the guidelines for State and local government financial reporting. She advised that all localities are mandated by the State legislature, via the Auditor of Public Accounts, to follow the guidance as set forth in GASB pronouncements; and with the issuance of GASB 34, a major change in governmental financial reporting was undertaken.

Ms. Shawver explained that the Comprehensive Annual Financial Report (CAFR) uses include citizens, elected officials, members of the administration, rating agencies, potential municipal bond investors and entities with whom the City does business; various components of the CAFR provide information which is important to these users based on their involvement with the City; and the CAFR meets requirements of State and Federal grantor agencies. She noted that components of the CAFR include an introductory statement, a financial section which includes basic financial statements

(management's discussion and analysis, government wide financial statements, fund financial statements, notes to the financial statements, required supplementary information, and a statistical section).

She commented that changes occurred to enable governments to publish a financial report which includes all funds reported by the entity, using the same method of accounting; and to more adequately provide information to assess whether the financial position has improved or deteriorated as a result of the year's operations; and current year revenues were sufficient to cover the cost of current year services.

It was noted that fund financials remain the cornerstone of the financial statements for governmental entities and such statements are grouped as to major fund type; i.e.: Governmental Funds, Proprietary Funds (Enterprise Funds and Internal Service Funds), Fiduciary Funds and Agency Funds; included in the fund financials is a General Fund budgetary comparison, a comparison between the final amended budget and actual results of operations; with the new reporting model, the original budget is also compared to the final amended budget; and the MD&A includes an analysis of significant variances in these items.

Ms. Shawver advised that government wide statements include one of the significant additions of GASB 34, prepared using the full accrual basis of accounting for all funds, comprised of Statement of Net Assets and Statement of Activities, which focus on the primary government as a whole, presents governmental and business-type activities and the School Board Component Unit, and reconciliations between the fund financial statements and the government-wide financial statements were added.

It was noted that infrastructure assets are immovable and considered to be of value only to the government; examples of infrastructure include roads, bridges, drainage systems, water and sewer systems and lighting systems; and previously, the City was not required to record the value of infrastructure assets and GASB 34 entailed the valuation and recording of infrastructure assets.

With regard to the Statement of Net Assets, she advised that a form of balance sheet where assets are shown first, followed by liabilities and concluding with net assets (assets less liabilities) is required, and net assets are assets less liabilities; in the government-wide statements, these include all assets and liabilities of the City, including all capital assets and outstanding debt; and the City's net asset balances totaled \$344.5 million and the School's net asset balances totaled \$4.7 million at June 30, 2002. She stated that the statement of activities measures the net revenue (expense) of each of the government's functions; it is formatted to present expenditures first before revenues since governments are created to provide needed services, and

not to maximize revenues; an offset of expenditures is shown to the extent that program revenues are directly generated by various activities and the net cost of each function/program results.

Ms. Shawver advised that the management's discussion and analysis portion provides an analysis of the government's financial activities in a narrative format; provides a description of capital asset acquisition and long-term debt issuance during the year; and discusses significant variances between General Fund original and final budgets and between budget and actual revenues and expenditures.

Ms. Shawver explained that as a result of the City's change in revenue recognition criteria, an additional \$166,000.00 in Emergency Medical Services fee revenue was recognized (\$166,000.00 of additional CMERP); an estimate of \$750,000.00 was recorded for sales tax to be received from the State for June sales; and actual revenue received exceeded the original estimate by this amount (Schools - \$118,889.00 of additional CMERP).

With regard to the Pension Plan, which is a multi-employer, defined benefit plan including the following participants: Roanoke, Roanoke Regional Airport, Roanoke Valley Juvenile Detention Commission, and certain employees of the Roanoke Valley Resource Authority and the Roanoke City School Board, she advised that Pension Plan financial statements were also issued to comply with GASB 34 and historical rates of return are:

Rate of Return Based On :

<u>Fiscal year</u>	<u>Market Value</u>	<u>Actuarial Value</u>
2002	(8.4%)	3.8%
2001	(3.6%)	8.7%
2000	4.2%	13.5%
1999	13.2%	16.6%
1998	20.5%	15.2%

She stated that Pension Plan financial results are:

<u>Funded Status</u>	<u>FY02</u>	<u>FY01</u>
- Funded status based on market Value	100.0 %	114.1%
- Funded status based on actuarial Value	109.5%	110.4%
<u>Actuarial Contribution Rate</u>	<u>FY04</u>	<u>FY03</u>
	7.59%	5.89%

TRAFFIC-STREETS AND ALLEYS: Kenneth H. King, Traffic Engineer, presented a briefing on plans to two-way Campbell Avenue traffic. He advised that the Outlook Roanoke Plan in 1997 initiated discussion regarding the changing of Salem and Campbell Avenues back to two-way operation, which was reaffirmed in the Update Plan last year and called for the relaning of a section of Campbell Avenue between 2nd Street and Williamson Road back to two-way traffic. He stated that the goal is to make access to the downtown area more direct, to make destinations more visible and easier to locate for those persons who may not be familiar with downtown Roanoke, and to create a more appealing and less confusing downtown for visitors. He explained that many cities moved to one-way street operations many years ago when the downtowns were the center of every aspect of vibrant city life. He advised that a downtown traffic task force, in conjunction with Downtown Roanoke, Inc., involved for input the key stakeholders in the downtown area which included businesses, the Farmers' Market area, Center in the Square and Valley Metro. He stated that major issues for review was traffic volume and operations, parking, loading and unloading zones for both trucks as well as buses, Valley Metro operations and its impact on the pedestrian environment and in terms of the railroad tracks on the other side of Williamson Road crossing Campbell Avenue. He stated that traffic will reach its peak at 5:15 - 5:20 p.m.; staff will be looking at Williamson Road corridor operations; and an issue currently being raised is that the City will include Shenandoah Avenue in its Williamson Road considerations - current and future functions. He called attention to proposed plans to cut into the landscape that currently exists along Williamson Road to create a left turn lane for persons to turn left on to Campbell Avenue, and it is hoped to make some modifications to get left turn lanes onto Campbell Avenue in the southbound direction, as well as a left turn lane on to Salem Avenue in the north bound lane, and pavement width exists with detailed measurements and good design.

Mr. King explained that approximately 40 persons attended the open house and their key concerns centered around parking, immediate impacts, future implications, parking maneuvers and the delay that could be created, loading and unloading zones, the need for the City to be more aggressive with its enforcement efforts, pedestrian safety, and reducing travel speeds.

He advised that the City Planning Commission was briefed on the proposal, and he presented copy of a handout, including information on traffic time information, in which it was noted that it currently takes approximately 1.5 minutes to travel from 2nd Street to Williamson Road, however, and under the new proposal, it will take about three minutes. He presented information identifying locations where parking spaces will be eliminated and other locations for creation of additional parking spaces; the two taxi spaces located on Campbell Avenue at the Valley Metro area are underutilized and can be relocated, a 125 foot loading zone will be established across from the First Union property which can be shortened to 65 feet in order to provide for three parking spaces, and a motorcycle space has been identified by changing the direction of Market/Wall Street. He called attention to nine spaces that will be restricted by time of day (7:00 a.m - 9:00 a.m and 4:00 p.m. - 6:00 p.m.) which will increase the amount of right turn lane storage so that motorists turning left will not hold up traffic. He presented information on the configuration of lanes and advised that costs are expected to be in the range of \$160,000.00 - \$200,000.00, with detailed design work yet to be completed. He explained that two-way traffic on Campbell Avenue will not occur before the opening of Salem Avenue and completion of the Roanoke Times construction in late summer or early fall.

Council Member Wyatt expressed concern with regard to school buses transporting students to Center in the Square where there is no place for the buses to park, particularly if they are from schools located outside of the City of Roanoke. She called attention to the need for a communication system between bus drivers and Center in the Square personnel so that drivers will know when to pick up the students, and a site for buses to park should be provided.

The Mayor requested a ride-along with Mr. King to review certain areas of the City and to discuss why traffic moves slower in some areas of the City than others.

SEWERS AND STORM DRAINS-SPECIAL PERMITS-WATER RESOURCES: The City Manager advised that Council was previously advised that the City of Roanoke, along with other jurisdictions, are required to submit a permit application for stormwater runoff by March 1, 2003; whereupon, she called upon Paul Truntich, Environmental Administrator, to explain elements of the plan which will require action by Council on Monday, February 3, 2003.

Mr. Truntich advised that a recently unfunded Federal mandate to address storm water quality covers most municipalities in the Roanoke region, and other facilities include Virginia Western Community College, Veterans Administration Hospital and the Virginia Department of Transportation. He further advised that the registration statement submitted to the Department of Environmental Quality is due on March 10, 2003, and should assess current program capabilities, develop best management strategies, develop funding strategies, prepare a permit application and submit the permit application to the State Department of Environmental Quality; and implementation of all programs are to occur within five years of permit issuance, or by fiscal year 2008.

He explained that permit requirements include best management practices, structural and non-structural water quality controls, (bio-filters, sediment removal, construction site, E and S controls, education program, stormwater brochure, and public service announcements); and activities to prevent or reduce the pollution of surface waters. He stated that a stormwater quality program is needed because polluted stormwater runoff is conveyed through storm sewer systems and discharged (untreated) into rivers and streams; common pollutants identified in stormwater runoff include oil and grease, pesticides, sediment, and trash items such as bottles, paper wrappers, cigarette butts, etc.; and when deposited into local waterways, the identified pollutants can impair such waterways, including an impact on aquatic life and habitat and recreational use is discouraged.

He noted that minimum control measures include public education and outreach on stormwater impacts, public involvement/participation, illicit discharge detection and elimination, construction site stormwater runoff, post construction stormwater management in new development and redevelopment and pollution prevention/good housekeeping for municipal operations. He advised that public education and outreach on stormwater impacts will be administered by the Office of Communications through 3rd to 8th grade education programs, stream school seminars, stormwater brochure, and public service announcements on stormwater quality; and public involvement and participation will include a citizen work group, annual public meetings for review of program accomplishments and a storm drain stenciling project.

Mr. Truntich noted that illicit discharge detection and elimination will involve a storm sewer system map, stormwater ordinance prohibiting illegal discharges, an illicit discharge detection and elimination program (program to identify and remove illegal connections to the storm sewer system and illicit discharge/illegal dumping response system for public reporting). With regard to construction site stormwater runoff, it was noted that current City regulations are fully compliant with the program, identify erosion and sediment control certifications and training, and sponsor an awards program for exemplary erosion and sediment control compliance. He advised that post construction stormwater management in new development/redevelopment will include a cost construction water quality ordinance, stormwater design manual, stormwater quality controls inspection and enforcement program for new development and redevelopment. It was noted that pollution prevention/good housekeeping for municipal operations include continuation of training and practices developed during Department of Environmental Quality decree, development of spill prevention plans for City facilities, continuation of household hazardous waste collections and credit for current storm drain maintenance and street sweeping program.

It was explained that estimated annual program costs are: Fiscal year 2004 - \$190,061.00, fiscal year 2005 - \$199,274.00, fiscal year 2006 - \$219,296.00, fiscal year 2007 - \$224,004.00 and fiscal year 2008 - \$173,210.00; and average yearly cost to the City with administrative costs is \$201,200.00, with average per capita cost at \$2.12 per year; innovation in the pursuit of funds and regional cooperation may lessen some costs; and the Environmental Protection Agency predicts costs of up to \$7.83 per capita. It was explained that the money will provide for minimum fulfillment of permit requirements, administration of the program, education and public participation, a storm sewer outfall map, an informational brochure on stormwater pollution, regional cooperation, household hazardous waste collections and inspections of stormwater facilities.

Mr. Truntich advised that opportunities for regional cooperation include stormwater quality education, parallel ordinances, future funding for a stormwater program, a regional stormwater design manual, household hazardous waste collection days, community ratings system (National Flood Insurance Program), an urban bio-filter program (rain gardens), and storm drain system mapping. He noted that not included in the program are capital improvement projects for the storm sewer system infrastructure, and comprehensive storm sewer system maintenance and funding for structural stormwater quality control implementation.

Mayor Smith and Vice-Mayor Harris left the meeting.

Being the senior Member of Council, Ms. Wyatt presided over the remainder of the 2:00 p.m. Council Session.

Council Member Wyatt inquired as to why the 3rd to 8th grade education program was selected, and advised that by the 3rd grade, students have an idea as to whether they are going to be conservators of nature, and students in grades K-2 are much more amenable to this type of education. She suggested that the City take into consideration the Standards of Learning that teach such issues where teachers, students and parents will buy into the process. She also suggested that the City provide a kit that can be used in the teaching curriculum.

At 4:55 p.m., the Council meeting was declared in recess for two Closed Sessions.

At 5:35 p.m., the Council meeting reconvened in the City Council Chamber, with Council Member Linda F. Wyatt presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Bestpitch, Carder and Wyatt-----5.

NAYS: None-----0.

(Mayor Smith and Vice-Mayor Harris were absent.)

OATHS OF OFFICE-COMMITTEES-PENSIONS: Council Member Wyatt advised that there is a vacancy on the Board of Trustees, City of Roanoke Pension Plan, created by the resignation of William E. Skeen, and called for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of George F. Taylor.

There being no further nominations, Mr. Taylor was appointed as a member of the Board of Trustees, City of Roanoke Pension Plan, for a term ending June 30, 2005, by the following vote:

FOR MR. TAYLOR: Council Members Cutler, Dowe, Bestpitch, Carder and Wyatt-----5.

(Mayor Smith and Vice-Mayor Harris were absent.)

At 5:40 p.m., Council Member Wyatt declared the meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Tuesday, January 21, 2003, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, William H. Carder and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENT: The Mayor advised that Shining Star Awards are presented to those persons who go above and beyond the call of duty to be of service to their fellow man and woman and to their community; whereupon, he advised that a Shining Star Award is presented to the LifeNet Donor Memorial Foundation, Inc., of Roanoke which donated \$5,000.00 for site amenities and maintenance costs in connection with the Roanoke River Greenway along Wiley Drive.

PUBLIC HEARINGS:

CITY CODE-ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk and the Secretary to the City Planning Commission having advertised a joint public hearing by Council and the City Planning Commission for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to amend Sections 36.1-25,

36.1-206, 36.1-207, 36.1-227, and 36.1-228, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, providing for general service establishments and personal service establishments in the C-2 and C-3 districts, and providing for regulations pertaining to the location of tattoo parlors, or body piercing establishments, in the City of Roanoke, and deleting the definition of “service establishments”, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 3, 2003, and Friday, January 10, 2003.

A report of R. Brian Townsend, Agent, City Planning Commission, advising that currently there are six tattoo parlors and body piercing establishments operating in the City of Roanoke, one being located in downtown, one in southeast, one along the Franklin Road corridor, and three along the Williamson Road corridor; in response to a citizen inquiry regarding an existing tattoo parlor in late 2001, staff was directed by City Council and the City Manager to research and to recommend methods by which the Zoning Ordinance could better address tattoo parlors and body piercing establishments in the City; staff researched the regulation of tattoo parlors and body piercing establishments in other localities in the Commonwealth of Virginia, and proposes two alternative text amendments as a result of research and discussion; both alternative text amendments define the terms “tattoo parlor” and “body piercing establishment” and regulate each as a specific use; alternative one permits tattoo parlors and body piercing establishments in the C-2, General Commercial District, and C-3, Central Business District, by special exception; and alternative two regulates tattoo parlors and body piercing establishments by allowing them in the C-2, General Commercial District, and C-3, Central Business District, by special exception, only after meeting specified dispersal requirements, was before Council and the City Planning Commission.

It was explained that with each alternative text amendment, tattoo parlors and body piercing establishments would be permitted by special exception only in the City’s most intensive commercial districts, namely C-2, General Commercial District, and C-3, Central Business District.

Alternative 1:

Application would be made to the Board of Zoning Appeals (BZA) for a special exception use; special exception uses are typically reserved for those uses that have elements that need to be assessed on a case-by-case basis depending on the location and established criteria to evaluate impacts on adjoining property; the BZA is charged with scrutinizing each application as to the proposed business and its compatibility with the character of the surrounding neighborhood; the BZA can also impose conditions on the special exception use as deemed necessary in the public’s interest, such as a time limit on the permit, limiting the hours of operation, or restrictions on signage; and

conditions pertaining to a tattoo parlor, or body piercing establishment, could also include a prohibition of tattooing or piercing activity being visible from the exterior of the building or the public right-of-way.

Alternative 2:

This alternative text amendment seeks to regulate tattoo parlors and body piercing establishments as special exception uses with certain conditions, including minimum distance requirements from residentially zoned districts, schools, churches, parks, day care centers, and other tattoo parlors and body piercing establishments; specifically, the text amendment permits tattoo parlors, or body piercing establishments, only by special exception in the C-2, General Commercial District, and the C-3, Central Business District, provided that the proposed location satisfies the following dispersal requirements:

Not within 1,000 feet of any other tattoo parlor or body piercing establishment; and

Not within 500 feet of a residentially zoned district, or a school, educational institution, church, public park, playground, playfield or day care center.

It was noted that staff believes it is in the best interest of the City to revise the Zoning Ordinance to regulate tattoo parlors and body piercing establishments as special exception uses, without provision for spatial dispersion; therefore, staff supports text amendment Alternative one that would regulate tattoo parlors and body piercing establishments as defined land uses permitted by special exception only in the C-2, General Commercial District, and C-3, Central Business District; the text amendment will adequately strengthen the City's ability to preserve the integrity of future land use and the public welfare by scrutinizing such proposed uses on a case-by-case basis to determine their appropriateness.

The Mayor advised that the public hearing was being held jointly by the Council and the City Planning Commission; whereupon, he required if there were persons present who would like to address both bodies. There being none, he declared the public hearing closed.

Chairman Manetta inquired if there were questions and/or comments by City Planning Commission members. There being none, the City Planning Commission unanimously recommended that Council approve alternative text amendment number one to regulate tattoo parlors and body piercing establishments by special exception in the C-2 and C-3 districts.

Ms. Wyatt offered the following ordinance:

(#36212-012103) AN ORDINANCE amending §36.1-25, Definitions; §36.1-206, Permitted uses; §36.1-207, Special exception uses; §36.1-227, Permitted uses; and §36.1-228, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, providing for general service establishments and personal service establishments in the C-2, General Commercial District, and the C-3, Central Business District, and providing for regulations pertaining to the location of tattoo parlors, or body piercing establishments, in the City of Roanoke; deleting the definition of “service establishments” contained in §36.1-25; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 82.)

Ms. Wyatt moved the adoption of Ordinance No. 36212-012103. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

ZONING-ROANOKE CIVIC CENTER-STADIUM: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk and the Secretary to the City Planning Commission having advertised a joint public hearing by Council and the City Planning Commission for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with a proposal of the City of Roanoke, Mr. and Mrs. Calvin W. Powers and Mr. and Mrs. Theodore J. Sutton, to rezone tracts of land, designated as Official Tax Nos. 3070301-3070310, inclusive, and 3070313 - 3070316, inclusive, 2041816 and 2041817, from LM, Light Manufacturing District, to C-3, Central Business District, and to rezone Official Tax Nos. 3070501, 3070318 and 3070321, from C-2, General Commercial District, to C-3, Central Business District, subject to certain conditions proffered by the petitioners, in connection with the City's stadium/amphitheater project, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 3, 2003, and Friday, January 10, 2003.

R. Brian Townsend, Agent, City Planning Commission, advised that the petition for rezoning is for the purpose of constructing a stadium/amphitheater; on May 17, 2001, Council authorized the City Manager to negotiate and acquire properties in the area north of the Roanoke Civic Center to serve as a location for construction of a municipal stadium and amphitheater facility; the rezoning presently before Council to rezone with conditions was filed on December 6, 2002; and the current petition differentiates itself from the previous petition acted on by the Council in five ways; i.e.: (1) the property

shall be used only for a coliseum/stadium/exhibit hall, or similar facility or facilities; (2) the provision of on-site parking shall include no less than 750 parking spaces, and shall not exceed a minimum of 900 parking spaces; (3) there shall be no more than two points of ingress to or egress from the property, limited to one point on Courtland Road, N. E., and one point on Carver Avenue, N. E.; (4) provision of landscaping consisting of deciduous trees, evergreen trees, shrubs, perennials, grasses, ground covers and vines shall be planted and maintained on at least 15 per cent of the total site area; and (5) stadium field irrigation shall be supplemented by a rain water harvesting system which shall reduce dependence on the public water supply and reduce stormwater runoff. He stated that the subject properties identified in the petition for rezoning include 18 City-owned properties containing approximately 23.2 acres, and a .55 acre parcel of land owned by Calvin and Mary Powers and Theodore and Judy Sutton; current zoning of 16 of the subject properties is LM, Light Manufacturing District, which does not permit a stadium or amphitheater; the rezoning of 19 properties to C-3, Central Business District, with conditions is requested; and coliseums, stadiums, exhibit halls, and similar facilities are permitted uses in the C-3, Central Business District. It was explained that a proffer will limit use of the property to one of 40 permitted uses; the proposed municipal stadium and amphitheater facility will have approximately 8,000 seats in the stadium configuration and a capacity of up to 16,000 persons in an outdoor concert amphitheater configuration; given the nature of surrounding land uses, the impact on adjacent properties is expected to be minimal; the proposed facility will combine a sports venue with a concert entertainment amphitheater that should compliment renovations to the existing Roanoke Civic Center and enhance additional development opportunities in the surrounding area; from an urban design standpoint, the project will strengthen the link between downtown Roanoke and the Williamson Road area; and the proposed stadium/amphitheater facility would provide an infill project on underutilized land, thus providing continuity and a destination between these two areas. It was advised that the project has the potential to provide better pedestrian linkages between the areas; Williamson Road is a linear commercial area that needs anchor points, and efforts have been made to develop an anchor point by defining the gateway at Orange Avenue; and use of the subject site in proximity to the Civic Center would also achieve a desired grouping of complimentary entertainment facilities.

Mr. Townsend advised that the proposed development supports three strategic initiatives in Vision 2001-2020, the City's Comprehensive Plan, and development of the site as proposed is consistent with seven policies contained in the document. It was explained that another proffer relates to an on-site stormwater management system, including detention pond facilities and drains that have been developed to reduce stormwater runoff impact from the site; the petitioner has proffered that the playing field's irrigation system will be supplemented by a rain water harvesting system that collects and stores stormwater runoff from a portion of the stadium's roof structure; and a reduced dependence on the public water supply and the reduction of stormwater runoff from the site are consistent with policies contained in the Comprehensive Plan.

It was noted that the C-3, Central Business District, zoning designation has no on-site parking requirement, the petition has proffered that 750-900 parking spaces shall be provided on the site; a pedestrian bridge over Orange Avenue proposed to the existing Civic Center parking lot will provide a shared parking arrangement as necessary; because of the close proximity of the site to downtown, shuttle has service to and from downtown parking garages is viable; and on-site parking, existing Civic Center parking, leased off-site parking, and has shuttles to City-owned downtown parking garages will adequately serve the parking needs of the proposed stadium/amphitheater facility, which are consistent with policies contained in the City's Comprehensive Plan, including limiting the amount of impervious surface to reduce water runoff, discouraging excessive surface parking lots, and encouraging the sharing of pooled parking resources. It was noted that another proffer provides that at least 15 per cent of the total site area will be landscaped with deciduous and evergreen trees, shrubs, perennials, etc., which is three times the minimum required by the Zoning Ordinance.

Mr. Townsend advised that given that the development of the property for a municipal stadium and amphitheater facility will encourage economic development of the area, provide a regional entertainment attraction near the downtown core, enhance the quality of life, expand the region's cultural and recreational amenities, redevelop an underutilized area, incorporate the concept of shared parking, and create a better linkage between downtown and the Williamson Road area, the Planning Commission should recommend approval of the request for rezoning to C-3, Central Business District, with proffered conditions; and City Council should approve the request after considering the recommendation of the City Planning Commission.

Philip Schirmer, City Engineer, and Kenneth King, Transportation Division Manager, presented a briefing on traffic and circulation analysis which was prepared as a part of the proposed stadium/amphitheater project.

Mr. Schirmer advised that the stadium/amphitheater is a major project for the City of Roanoke, with a capital value of \$18 million; it is projected that the facility will be completed and opened in late 2004 or early 2005; the project is a unique facility that combines high school athletic fields with an entertainment venue and will provide a first class venue for high school football and soccer; and it is an important project for not only the City of Roanoke, but for the entire Roanoke Valley region. It was explained that the proposed traffic plan will help link the stadium and the Civic Center with downtown Roanoke and the many positive experiences that are available for visitors to downtown; the traffic plan clearly supports both the spirit and letter of the City's Comprehensive Plan Vision 2001-2020; and the plan contains certain innovative solutions with regard to traffic and parking, stormwater management, landscaping, resource conservation, and greenway connections. He stated that the project supports four strategic initiatives in the Comprehensive Plan; i.e.: to encourage redevelopment of underutilized industrial sites in the City, to encourage investment in critical amenities, to enhance natural

resources, and to develop an entertainment attraction for the City. He added that there are more than 15 recommended policies and actions in the Comprehensive Plan that are directly supported or impacted by the proposed project, which fall into three general categories; i.e.: environmental and cultural/historic resources, economic development, and infrastructure development.

Mr. King presented an overview of the traffic study, the uniqueness of this type of facility and the process used to analyze traffic issues related to a facility of this type; i.e.: the study approach, the traffic management plan, and results of a field test that was conducted of the traffic management plan. He referred to Oreole Park which is located within the center city area of the City of Baltimore and Raven Stadium, located to the south of Oreole Park, which illustrates the joint functioning of the two facilities, the fact that on-site parking is not expected or desired in this situation, and transit opportunities and shuttling appear to be the trend. He stated that it is expected to take 15-20 minutes to exit a major event; and because attendees arrive and leave in close proximity to one another, it changes how one looks at making infrastructure improvements. He presented a map illustrating Roanoke's study area; i.e.: Hershberger Road to the north to Williamson Road, the railroad tracks to the east, Elm Avenue and the southern boundary of Elm Avenue interchange with I-581, the northern boundary, the Hershberger Road interchange area, the western boundary of 11th Street, 10th Street, and to the eastern boundary to Gus Nicks Boulevard, which was used in an effort to incorporate an area large enough to pick up alternative routes, and is the strength of locating such facilities within an urban setting. He reviewed a diagram of turning movement counts, observations related to certain events, meetings which were held and the gathering of data in terms of mapping, etc., and traffic counts that were taken on a Friday evening between 4:00 and 8:00 p.m., and on a Saturday afternoon which were performed at a time when no events were taking place at the Roanoke Civic Center, in order to establish background traffic upon which to generate traffic for the various types of scenarios of events that might be held. He stated that trip generation was reviewed based on each event, seven different scenarios were reviewed, major sellouts of one event versus other normal operations of an event, normal operations at both facilities simultaneously, up to and including a peak operation at both facilities simultaneously. He explained that occupancy, which was established by the City's consultants who are experts in the field, varies depending upon the event; a review of zip code data was conducted based on various events that occurred in the past in an effort to identify the location of the major portion of customers visiting the area which tends to vary; i.e.: a tractor pull will generate attendance from a separate direction than a major concert; if the event is more local in nature, attendance will be more dispersed off of Route 460 and certain points to the south; if the event is more regional in nature, attendance will lean toward I-81 and traffic coming from the northern parts off of I-581; therefore, in reviewing each of the different scenarios, trip distributions were established throughout the network. He called attention to a fixed amount of on-site parking which is the threshold at which traffic will not become any worse because it has no where to go; and motorists will be routed to

other locations which could create traffic issues at these diverted locations, all of which will be addressed. He referenced concerns regarding Route 460, Orange Avenue, and I-581, the busiest area of the City and the most accessible point of the City, which are defined as two backbone corridors that carry a tremendous amount of traffic, and noted that events at the civic center will peak at times that roadway traffic is not peaking; and for a Friday evening event, Friday p.m. peak hours begin to dissipate as event traffic comes on line; there are infrastructures to carry peak hour traffic demands, and the infrastructure will be used during off peak hours, which is a wise use of the City's assets and resources. He added that the key lies in communicating with motorists to let them know when they are on I-581 that the facility is full so that they do not become a part of a traffic problem on Orange Avenue, by redirecting motorists to an appropriate exit and to a parking deck, with parking attendants on site to inform them as to which shuttle bus they will ride, and the location where they embarked through the use of color coded signage. He called attention to the importance of clearing a corridor for shuttle buses, to prevent traffic congestion through signal timing adjustments, assistance of on site police officers and civic center/stadium staff, which will enable the buses to travel through, drop off passengers and continue on. He stated that another communication piece for events includes barricade signs, or temporary signs which are unique in appearance that catch the attention of motorists, in order to guide motorists to the appropriate parking deck and to the shuttle bus pickup point; detour signs will alert other motorists that there are events taking place in the area and provide options to avoid traffic, which can be accomplished by advising motorists on I-581 to keep to the left inside lane as they travel through I-581, and can also be achieved in other parts of the network. He stated that the roof of the Civic Center has been a vantage point through which one can see things that cannot be seen on the ground; and Roanoke's police officers are extremely capable in traffic management. He advised that shuttle bus operations can turn 40 or 50 cars into 3 or 4 buses; and stressed the importance of all City staff working from a published plan, or map, in terms of traffic management that changes for every event relative to the number of shuttle buses used, parking decks to be used, number of police officers per event, a pre-planning meeting prior to each event, all traffic managers communicating on the same 800 megahertz radio system, and parking assistants stationed in the parking decks to guide patrons to shuttle bus pickup locations. He stated that ticket sales will indicate the type of traffic situation for each event, and information can be forwarded to ticket holders containing the location of shuttle buses, maps, etc.

Mr. King reviewed recommendations from the traffic study; i.e.: a pedestrian bridge over Orange Avenue; dynamic message signs, which include signs that are seen on trailers, in addition to some portable and some permanently mounted locations, which have the capability of electronic operation; the parking lot can be shut down in an organized manner; and surveillance cameras will be located at strategic locations to provide feedback to a computer monitor. He discussed coordinated signal systems, which is an important element of the plan; the City has a coordinated signal system in

the downtown area and there is a need to make greater utilization of the capability by expanding the system along the Orange Avenue corridor, Williamson Road, and Hershberger Road. He referred to implementation of a command center, which will likely be located at the Civic Center, to house the necessary equipment; minor geometric changes at the Civic Center entrance; and removal of some of the islands that would improve turning radiuses, etc. He stated that a highway advisory radio, which is a system designed to receive audible messages through the radio regarding alternative parking locations, or any other information that needs to be transmitted, could be considered for future implementation. He added that also identified is streetscaping of Wayne Street and Williamson Road to provide enhanced entry points and gateways, which have been identified as ideas that should be included as a part of ongoing efforts for streetscape master planning by the City.

Charles Anderson, Project Architect, reviewed site issues. He advised that the site contains just over 20 acres bounded to the east by Courtland Avenue, to the south by Carver Avenue, to the west by I-581, and to the north by the City's Public Works Service Facility; parking has been located toward the west and to the south of the facility; the stadium is designed to seat 8,000 for football, 12,000 for an amphitheater event, and a major amphitheater event has the ultimate capacity to seat 18,000; the facility is designed with bermed construction to the east, concrete risers with mounted chair seating, 5,000 seats on the east and 3,000 seats for football on the west; and the west side encompasses most of the facilities associated with the amphitheater. He stated that the stage is approximately 60 feet deep and 120 feet wide, in order to accommodate sizable shows, and during football events, retractable seating would be pulled out and actually placed on the stage to bring the capacity on the west side to 3,000; the facility is dished on the east side, or built up by about 15 feet, to create a berm; and the dished effect helps to acoustically control some of the sound that will be generated by the facility. He advised that in addition, the dished effect is a feature for amphitheater events that allows one to go to the concessions and the restrooms, particularly on the east side, and still be able to look into the venue while it is functioning; dressing rooms will be designed for both sporting events, as well as for visiting stars or guests that would be part of the amphitheater venue; the roof of the stage house is about 60 feet above the stage to allow for lighting, for the hanging and rigging of sound equipment, and for those kinds of things associated with amphitheater events; and the press box is a unique design that is recessed under the taller roof of the amphitheater, which uniquely slides into the rear of the facility, blends back and forms a backdrop for amphitheater events. He stated that the site contains parking for about 850 cars; the truck marshaling area, or the portion of the site where amphitheater events, in particular, would be fed, occurs on the back side of the amphitheater; a large ticketing area is located to the south of the facility which is the primary ticketing location and is intended to capture pedestrian traffic from those who park at the Civic Center, as well as on-site parking; the pedestrian bridge across Orange Avenue is a ramped bridge which is accessible on both ends for small vehicles that will be serving the stadium from

the Civic Center; a wet pond, associated with site conservation measures, will be part of the storm drainage system, but will actually hold water at all times and will become an aesthetic feature of the site. He explained that stormwater harvesting and capturing water running off of the roof over the amphitheater to be used for irrigating not only the field, but also some of the landscaped areas around the stadium, is being explored; landscaping will be provided within stadium parking areas around the facility and on the perimeter of the facility; bus drop off areas will be provided; private vehicle drop off areas will be provided on Courtland Avenue; lighting on the site includes a series of various types of fixtures given that there will be not only sporting events, but amphitheater events that require a much lower level of lighting; lighting for pedestrian pathways will be provided with 10-12 foot high fixtures in some areas, and up to four larger poles that will be used for lighting of the football/soccer field.

Mr. Schirmer advised that the site is well suited for a bowl-shaped amphitheater facility; therefore, the City is taking advantage of site topography. He referred to a quality landscape plan in which the tree canopy on the site will be increased and more than 16 per cent of the site will be landscaped; innovative ideas are being explored with regard to stormwater management on the site, as well as a rain water harvesting system for reuse of irrigation water. He advised that the site is well served by public utilities, with adequate public water systems in Courtland and Carver Avenues and a receiving sanitary sewer that runs through the site; the site is well served by pedestrian access to ensure clear paths for pedestrians in order to separate pedestrians from traffic; and the pedestrian bridge is part of the \$18 million budget.

The Mayor reiterated that the public hearing was being conducted jointly by the Council and the City Planning Commission; and inquired if there were persons present who would like to speak in connection with the matter.

Mr. Michael Bailey, 7516 Deer Branch Road, N. W., Past President, Williamson Road Area Business Association, and a member of the Board of Directors, advised that his comments were not intended to be negative, nor were they intended to halt the project, but to suggest improvements. He stated that there appears to be a "hurry up" mentality which often leads to mistakes and omissions, and referred to the proposed pedestrian bridge which is to cross over Orange Avenue, not Carver Avenue. He pointed out that an elderly, or handicapped person, will be required to go down several long series of slopping ramps and cross over Carver Avenue, which is a major entrance for parking, and back up an even longer and steeper hill, all of which appears to be unnecessary, impractical and dangerous. He advised that he has been told that the cost to extend the bridge over Carver Avenue is approximately \$230,000.00, and the City Manager will not authorize any additional dollars over the fixed budget; however, he proposed that it would be far better to make the necessary corrections now rather than

to tear down part of the bridge in the future. He stated that extending the crossway is a good idea, and if the project is constructed cheaply, it will look and function in a cheap manner. He added that the bridge design is short sighted, and should be revised following additional study and consideration by City staff. He requested that an improved pedestrian bridge be included as a proffer, or a commitment by the City, prior to approval of the request for rezoning.

Mr. Gene McGuire, 6532 Tollwood Drive, S. W., Past President, Williamson Road Area Business Association, and a Member of the Board of Directors, advised that the traffic plan proposed by the City has many good elements, but the most important problem pertains to that which is not included in the report, due in large measure to the lack of involvement by citizens in the Williamson Road area. He stated that obtaining a copy of the traffic plan was a difficult task; the traffic plan has not been presented to the general public, or to the Williamson Road neighborhood for questions, discussion or input, therefore, the process is flawed. He added that an example of what is not included in the report is the absence of any consideration of access to the neighborhood by way of Plantation Road which is a major road that parallels Williamson Road; and Plantation Road provides a good entrance off of Orange Avenue by way of a four lane roadway that curves gracefully up the hill and around the bend and bottlenecks down to two lanes for about two blocks, then opens back up to a six lane avenue, which continues past Thurston Avenue and is a direct connection to Courtland Avenue and the new stadium project. He noted that use of Plantation Road would alleviate traffic gridlock at Orange Avenue and Williamson Road, but more importantly, it would provide access for neighborhood residents and customers of businesses in the neighborhood during peak traffic times. He advised that City engineers indicated that this alternative had not been considered for the stadium project, yet removal of the bottleneck is already in the City's Thoroughfare Plan and listed as a high priority. He suggested that this alternative should be moved up to an urgent and immediate priority as an obvious and important infrastructure improvement that should be in place before the stadium is opened; since the City already intends to do the work, the long term cost to the City would be zero; and it is a matter of prioritizing and moving up the work schedule, which would help traffic for stadium events, neighborhood residents, and neighborhood businesses. He stated that approval of the zoning request should be contingent upon a proffer, or other legally binding commitment from the City, to correct this infrastructure problem and other traffic problems before the stadium opens.

Mr. Warren Via, 6735 Milan Drive, S. W., member of the Board of Directors of the Williamson Road Area Business Association, spoke on behalf of Wendy Jones, President, who was unable to attend the meeting. He stated that he and Ms. Jones support the stadium/amphitheater project, but his purpose in appearing before Council was to voice his concerns in an effort to make the stadium project an even better project,

and to point out another omission in the plan that impacts not only traffic and parking, but the entire project, the neighborhood, and the prestige of the City of Roanoke and its residents. He advised that the stadium as proposed would be virtually invisible from Williamson Road, the main street of the City of Roanoke; on one end is a junkyard, on the other is a storage junkyard, and the front of the stadium is not aesthetically pleasing, therefore, the project calls for an entrance that will do it justice. He added that Wayne Street needs to become a major entrance, or gateway, to the project and the gateway should make a statement about Roanoke and its stadium; as currently planned, the stadium is to be located down a side street, hidden from traffic, and trying to locate the stadium will be difficult and a detriment to the project in many ways. However, he added that the stadium can become a focal point for exactly what Vision 2020 calls for -- the stadium can be the center of a village square, or a pocket park combined with a fabulous entrance to a great stadium; and the stadium can be the starting point for regrowth and economic expansion. He called attention to a 1997 study that was prepared for the Williamson Road community which called for future growth to be in two areas, and the area under consideration, or the South End Development Plan, was mentioned. He advised that now is the time to make a commitment to improvements that will benefit the entire City, the street, the stadium, traffic flow, neighborhoods, businesses, etc., because good design can be the difference between a poor project and a great stadium project. He stated that Vision 2020 notes that good design is not optional, and quality of the physical environment, attractive streets, buildings, parks, and open space has a direct impact on Roanoke's economy and the sustainability of its neighborhoods; and the community expects the highest level of excellence in building design.

Linda Plunkett, 37 Chadwick Drive, Troutville, Virginia, representing the Williamson Road Area Business Association, expressed support of the stadium project, and advised that there are numerous properties around the proposed stadium location that should be purchased, given willing sellers and fair prices, which include business properties with uses that would be incompatible with the proposed stadium, i.e.: junkyards, storage lots, and abandoned buildings, etc. She called attention to the need to include properties that would be critical in creating an attractive entrance to the stadium, properties that would be helpful for vehicular or pedestrian access to the stadium, for traffic problem reduction, for safety issues, for signage, lighting, sidewalks, and/or other elements of the project. She advised that because of the critical need for the stadium project, it is proposed that the City provide a "set aside fund" that would be an integral part of the project as a proffer prior to approving the rezoning, to be initially funded at the \$1 million level.

Mr. Ben Burch, 923 Curtis Avenue, N. W., advised that it is difficult to believe that the impact on adjacent properties will be minimal; for stadium events alone, the City plans to spend upwards of \$12,000.00 per event on traffic and parking control; and more

importantly, the issue is not just adjacent properties, but impacts on the neighborhood as a whole. He stated that the City's Comprehensive Plan states that Roanoke's neighborhoods are the building blocks of the City, and inquired if the Williamson Road neighborhood has been consulted or involved since plans were finalized, or is City staff more focused on possible impacts to downtown Roanoke instead of the stadium neighborhood. He expressed agreement with the Comprehensive Plan that the use of excessive surface parking lots should be discouraged, but this does not mean that there should be practicably no on-site parking; therefore, the real issue is how much parking should there be versus the number of shuttle buses; and at what point will shuttle buses become a turn off to visitors, which has not been discussed in the staff report. He added that Vision 2020 also states that there should be a limited amount of impervious surfaces to reduce water run off; and spoke in support of a study to provide as much parking as possible at the stadium on permeable surfaces. He noted that the City's proffer calls for 15 per cent of the site area to be landscaped with plants and inquired as to how much more than 15 per cent could be landscaped if the parking areas were permeable surfaces. In summary, he advised that the City has a once in a lifetime opportunity; therefore, he requested that the project be done right and that the request for rezoning be denied to allow for more public participation.

Kevin Otto, Attorney, representing Farrell Properties, advised that his client is not opposed to the project and wants to see a successful stadium project; however, his client believes that there are major traffic and parking issues that should be addressed. He stated that when the matter first came before the two bodies approximately one year ago, the City promised that traffic and parking studies would be done, and that a plan would be developed in order to address problems associated with the project. He noted that some members of City Council were very vocal at the May 20, 2002, meeting with regard to the need to address these issues satisfactorily, yet the petition currently before Council does not address any of those issues and Farrell Properties is concerned that the City will develop a traffic plan, but has not committed the traffic plan as part of the rezoning, and there is no written documentation obligating the City to abide by statements made by City staff this evening. Therefore, he advised that Farrell Properties requests that the rezoning be denied in the absence of some type of commitment by the City to abide by the plan that has been presented by City staff this evening.

Bill Tanger, 3530 Franklin Road, S. W., advised that he supports the stadium project if it is done properly. He recommended that the City Planning Commission deny the petition for rezoning at this time because it is "substantially" the same petition as the previous rezoning petition that was recently rejected by the court. He called attention to substantial changes that should be made to the project and included as proffers, or commitments by the City, which have been described by previous speakers. He advised that his comments would focus primarily on the process used by the City for the project

which can be characterized as “government by stealth”, or “hurry up before the neighborhood, the business community or anyone else has a chance to look closely at the project”. He noted that access to the traffic plan has not been available until recently, and the most important part of the traffic plan is that which has not been addressed; and no public meetings have been held in reference to the traffic plan to allow for questions and/or input by citizens and representatives of businesses in the area. He called attention to the following issues that have not been fully addressed: the Plantation Road improvement, the stadium entrance at Wayne Street, the pedestrian bridge extension over Carver Avenue, widening of Williamson Road to Wayne Street, a “set aside fund” for future acquisitions, vehicular occupancy rates, caps on the number of access points at parking spaces, the number of on-site parking spaces needed for stadium seats, and the number of on-site parking spaces needed versus buses, etc. He stated that some of these issues should result in proffers for the project, and, in summary, the project appears to be “forced fit” in an attempt to complete the project cheaply, expeditiously and with little opportunity for the neighborhood to examine and to critique the plans. He stated that taxpayers need to know the cost of doing the job right the first time around, and asked that the process be slowed down to allow time for review, critique and improvements. In summary, he advised that the project should be a model worthy of a progressive City, and requested that the City Planning Commission deny the petition for rezoning to allow time for further study and input by all stakeholders.

Ms. Estelle McCadden, 2128 Mercer Avenue, N. W., expressed appreciation to Farrell Properties for bringing the matter to the attention of the citizens of Roanoke. She suggested that when photographs, charts, etc., are presented to the Council, they should also be displayed in such a way that citizens can also view the documents. She advised that it has been stated that the stadium/amphitheater will be unique, therefor, she suggested that the facility be designed with a cover. She inquired about seating in the stadium, which she has been told will be on only one side of the facility, and advised that Roanoke’s high school students do not want a stadium with seating on only one side. She asked that the traffic question be carefully studied so that traffic does not back up on 10th Street. She requested that the City proceed slowly, study all aspects of the project, and construct a quality facility that all of Roanoke’s citizens can be proud of.

Mr. Billy Bova, 2334 Idavere Road, S. W., advised that he was confident that the Council and the City administration have addressed all pertinent and relevant issues associated with constructing a stadium for the City, the entire community and the region. He spoke in support of a new stadium, and noted that he has been an advocate for brown fields redevelopment in blighted areas within Roanoke’s landlocked City for years. He stated that he has visited numerous communities across America and seen public stadiums and municipal facilities that were constructed in blighted areas and in

older industrial areas in the poorer regions of the communities, which have been successful and helped to revitalize and rejuvenate those areas. He noted that the new stadium will be a positive addition to Roanoke's municipal infrastructure, all of the issues relating to parking questions will be addressed and resolved; and the stadium is a positive addition to Roanoke's infrastructure. Therefore, he encouraged the City to move forward with the project.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., expressed concern with regard to the traffic plan, noise from the traffic in and around the stadium, and its impact on surrounding neighborhoods. She agreed with previous speakers on the need for public input and advised that the project should receive more study by the City before proceeding; and other potential locations for a stadium/amphitheater should be considered in lieu of the northwest area which seems to be targeted for many of the City's projects.

Mr. Robert Gravely, 3360 Hershberger Road, N. W. , advised that the people have been left out of all of the studies prepared by City staff, and design concepts were not planned with specific types of people and income levels in mind. He stated that the average income level of Roanoke's citizens will make it difficult to support the facility; events should be catered to young people because Roanoke's older population is not anxious to attend events at the stadium/amphitheater, and Roanoke is not a sports-minded town, nor is it an entertainment capital. He called attention to the need to study various types of entertainment to be available following civic center/stadium/amphitheater events; the need to provide events that will attract out of town persons to the area that will generate more money for hotels and restaurants, and, in turn, more tax dollars for the City. He stated that the \$18 million allocated to the project should be used to improve the City's unsatisfactory and aging infrastructure.

Mr. Duane Howard, 508 Walnut Avenue, S. W. , called attention to the need for a study of the noise level associated with events, such as a symphony concert, etc., and aircraft flying over an amphitheater type venue can spoil the quality of events. He also suggested that there be a certain amount of covered seating.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that no one is opposed to the project, but citizens appear to be in agreement that there is a need to hold the project in abeyance, improve the process, and provide citizens with an opportunity to review the plans. She suggested that drawings/designs, etc., be displayed on the two screens in the Council Chamber so that all citizens will have an opportunity to view presentations at the same time they are presented to Council. She expressed concern about the greenway connection by way of Gainsboro which should be carefully reviewed in anticipation of large crowds that could have an undesirable impact on the historic

Gainsboro neighborhood. She stated that the pedestrian bridge, if connected to the east of the signs directing traffic to I-581, could pose a problem because the signs would either have to be relocated, or the bridge would have to be built elsewhere. She asked that noise within the confines of the stadium and noise which will occur when people exit the stadium be considered, and will there be sufficient police protection to address foot traffic, along with protection for persons using the pedestrian bridge. Based on comments presented by the previous speakers, she requested that the rezoning be denied.

All speakers having been heard, the Mayor declared the public hearing closed.

With regard to a question pertaining to a gateway entrance at Wayne Street, the City Engineer advised that the matter falls into a category of streetscape improvements, and while streetscape improvements are not a part of the project, it could be reviewed in the future as a suggestion that warrants additional discussion.

Also, with regard to the issue of streetscaping which was recommended for further review in the traffic study, Mr. King advised that it is a complex issue since there is currently limited right-of-way along Wayne Street, and many of the concepts under review would include private property. He stated that substantial time is being spent at the staff level by a streetscape master plan committee to review issues of public/private partnerships relative to streetscaping, creating a sense of place, and looking at ways to integrate the City's maintenance practices. He added that the City spends a good deal of resources each year in maintenance activities, and if it were possible to focus those resources to places of uniqueness and speciality, the City could see substantial gains without new investment. He stated that as a part of what was included in the traffic study recommendations, this is one of the areas that will be a part of the streetscape master plan work, and there will be a need for public/private participation in order to create the kind of entryway that citizens envision, the details of which will have to be worked out as the project moves forward. He advised that Wayne Street could be extended, but not without removal of existing properties, the area was not excluded from the traffic study and it was not identified as a problem area.

Question was raised with regard to the noise impact, both outside and inside the stadium facility; whereupon, Mr. Schirmer advised that an acoustics expert has stated that the bowl shape of the stadium/amphitheater project will generally contain sound from events within the bowl, and will also limit sound intruding into the area, particularly with the higher berms and landscaping that will be included around the facility. With reference to aircraft noise, he stated that he would confer with the City's acoustics expert and provide the information to Council and to the City Planning Commission.

Following questions and/or comments by the City Planning Commission, the Planning Commission voted unanimously to recommend approval of the petition for rezoning.

Mr. Dowe offered the following ordinance:

(#36213-012103) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 204 and 307, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicants, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 86.)

Mr. Dowe moved the adoption of Ordinance No. 36213-012103. The motion was seconded by Mr. Carder.

Council Member Carder called attention to the process for including citizen input, which was a process that was inclusive and involved a tremendous amount of public input. He referred to discussions on the traffic study and design; parking issues in the C-3 district and the contention that there is not sufficient available parking on site, but there is plenty of parking within a one mile radius; Roanoke is an urban environment, and the facility will be serviced by shuttle buses. He stated that under the proposed traffic plan, the City will manage the traffic, instead of the event controlling the traffic; and the Council and the City administration are dedicated to the task. Therefore, he suggested that the project proceed as expeditiously as possible so that Roanoke's school children will have a stadium that they can be proud of for sporting events, etc., and Roanoke will have a facility that all citizens will be proud of.

Council Member Dowe commended citizens for articulating their points of view, opinions, ideas and concerns about safety issues, etc. He advised that it should be noted that there was no major opposition expressed this evening, which says in a profound way that there is, collectively, an agreement to start the project.

Council Member Bestpitch referred to a comment made by a previous speaker with reference to the City Manager refusing to go over the \$18 million to add additional components to the project. He stated that Council made a decision some time ago to spend not more than \$18 million on the project at this time, therefore, if the City Manager states that she cannot add additional items beyond the \$18 million budget, she is acting on the instruction of the Council. He advised that Council would like to have a better pedestrian walkway, a large and elaborate gateway, to purchase more property around

the area, to provide for more permeable surfaces, and to include covered seating, all of which are good ideas, however, it is not possible to add these features to the project and stay within the \$18 million budget.

He stated that the good news is that tonight’s decision and stadium plans as presented do not preclude any of the above listed things from being developed and added in at a later date as time and circumstances allow.

The Mayor spoke in support of proffering the traffic plan as a part of the rezoning petition. He stated that he will support the rezoning, but more could be done to work with those who oppose the rezoning. He expressed the hope that City staff will immediately begin to address some of the issues that have been raised by speakers, at least to the extent that the project is not delayed resulting in increased costs.

There being no further discussion, Ordinance No. 36213-012103 was adopted by the following vote.

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS:-----0.

CITY MARKET-LEASES: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with a proposal of the City of Roanoke to award a contract for lease and management of the Historic City Market Building, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 10, 2003.

The Mayor advised that the City Manager had requested that the public hearing be continued until the regular meeting of Council on Tuesday, February 18, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard; however, since the public hearing was legally advertised to be held on January 21, 2003, he inquired if there were persons present who would like to be heard in connection with the matter.

Helen Butler, Chair, Downtown Roanoke, Inc., advised that Downtown Roanoke, Inc., has jointly submitted a proposal with Ed Hall and Associates for managing the City market Building. She highlighted three items to be kept in mind as Council deliberates

the merits of each proposal: (1) the Downtown Roanoke/Ed Hall proposal has the support of the full Board of Directors of Downtown Roanoke, Inc.; (2) the management staff for Downtown Roanoke is poised and capable of carrying off an excellent management and partnership with Hall and Associates for the benefit of the City; and (3) the experience in property management that Hall and Associates brings to the proposal is excellent throughout the Roanoke Valley.

Stephen Lemon, Chair, Downtown Roanoke, Inc., assured Council and City staff that the Board of Directors of Downtown Roanoke is firmly committed to the joint proposal with Hall and Associates in regard to management of a critical City asset, and should Council choose to honor Downtown Roanoke with its confidence to operate the City Market building, Downtown Roanoke, Inc., will do its utmost to ensure sound management and rehabilitation.

Without objection by Council, the Mayor advised that the public hearing would be continued until the regular meeting of Council on Tuesday, February 18, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard.

ZONING-STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the Northwest Neighborhood Environmental Organization and Robert Crowder to rezone nine tracts of land located on the south side of the 500 block of Loudon Avenue, N. W., identified as Official Tax Nos. 2013101 - 2013109, inclusive, from RM-2, Residential Multi-family, Medium Density District, to RM-3, Residential Multi-family, High Density District, subject to certain conditions; and three tracts of land located on the north side of the 500 block of Centre Avenue, N. W., identified as Official Tax Nos. 2013117 - 2013119, inclusive, from LM, Light Manufacturing District, to RM-3, Residential Multi-family, High Density District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 3, 2003, and Friday, January 10, 2003.

A report of the City Planning Commission advising that improvements to the subject properties include a 5,360 square foot, one-story structure formerly used for automobile repair and service (Tax Map No. 2013101), a boarded up converted duplex (Tax Map No. 2013103), three boarded up single-family residential structures (Tax Map Nos. 2013102, 2013106, and 2013107), an occupied single-family residential structure (Tax Map No. 2013104) and a 1,500 square foot masonry structure formerly used for automobile repair (Tax Map No. 2013117); and other parcels in the petition are vacant, was before Council.

It was further advised that a Petition to Rezone was filed on November 7, 2002; the Planning Commission heard the request on December 19, 2002, and recommended approval, subject to the filing of An Amended Petition, to include one proffered condition as agreed upon in the hearing; and the Amended Petition to Rezone was filed on December 31, 2002, subject to the following condition proffered by the petitioner:

Development along Centre Avenue shall not be set back any further than 15 (fifteen) feet from the property line as it abuts the street.

It was further advised that the Northwest Neighborhood Environmental Organization (NNEO) plans to develop "Fifth Street Gateway" on the subject properties, providing 25 units of high density, affordable housing and a community center; NNEO proposes to develop the 25 housing units by a combination of renovation/conversion, infill, and new construction; application of the RM-3, Residential Multifamily, High Density District, to the subject properties is appropriate and consistent with the housing and village center concepts discussed in Vision 2001-2020; the proposed development could help to solidify the definition of a village center in the area; and the combination of renovation, infill, and new construction is consistent with Vision 2001-2020 goals of maintaining the viability of Roanoke's neighborhoods and revitalizing underutilized land and underutilized neglected structures.

The City Planning Commission recommended that Council approve the request for rezoning, as amended, advising that given the adjacent land uses and zoning patterns and the underutilization of the properties, RM-3, Residential Multifamily, High Density District, is an appropriate application.

Mr. Harris offered the following ordinance:

"AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 201, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title."

Mr. Harris moved the adoption of the ordinance. The motion was seconded by Ms. Wyatt.

James Lesniak, Executive Director, Northwest Neighborhood Environmental Organization, appeared before Council in support of the request. He advised that a number of issues were raised at the City Planning Commission hearing insofar as a business that faces the property across Center Avenue, which called for certain redesign changes, one of which was the distance of the buildings from Center Avenue and the lack of parking lots fronting on the streets. He stated that he has met with the

business owner of Quality Produce across Center Avenue and the project architect will meet with the business owner to address his concerns so as to design a synergistic project that will meet the needs of all parties. He explained that the project was planned with other projects in mind, one of which was the expansion of St. Paul United Methodist Church, as well as a future expansion of the Masons Lodge which will take place on vacant lots owned by the lodge. He stated that the intent is to create as much synergy as possible between all of the projects, in order to promote a \$10-12 million development that responds to numerous needs of the community in three phases.

Michael Pace, Attorney, representing Quality Produce Company, advised that his client supports improvement of the neighborhood in the area along Center Avenue and 5th Street, and does not oppose the request, but seeks additional assurances from the applicant and from the City. He stated that Quality Produce has specific plans to expand at that location and to grow its business, which involves a significant and expensive investment to improve the existing facility by installing refrigeration units throughout 4000 square feet of space and hiring additional employees from the neighborhood and the surrounding area. He explained that the property of Quality Produce is located in a Light Manufacturing District, and current operation involves trucks cueing up along Center Avenue at various times during the morning and in the afternoon to load and unload, which is in full compliance with LM zoning regulations, and in full compliance with the City's performance standards, noise ordinance and traffic regulations. He advised that the proposed rezoning is across the street from Center Avenue, represents high density close to the street, and the encouragement of on street parking by the community plan in this particular project gives rise to inevitable conflict between Quality Produce and new residents. He expressed concern that there may be complaints by new residents that may cause the City to attempt to require Quality Product to somehow alter its current lawful operations. He added that the sole interest of Quality Produce is to continue to have the right to conduct its business in the LM District, and Quality Produce requests assurance that it will be allowed to make a sizable investment to expand its business at this location and asks specifically that: (1) the rezoning be conditioned by voluntary proffer from the applicant for additional buffering and screening to make it clear that there is space for buffering from noise and congestion related to operation of Quality Produce at its current facility; (2) the applicant will recognize by the proffered statement that the Quality Produce use is acknowledged and recognized and Quality Produce should not be asked to alter its current operation; and (3) the City give written assurance that it will not as a result of approval of the project and its implementation cause Quality Produce to change its current operation.

Following discussion of the matter, it was the consensus of Council to continue the public hearing until the next regular meeting of Council on Monday, February 3, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, in order to address concerns raised by Quality Produce.

ZONING-STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the Northwest Neighborhood Environmental Organization that all of the alley from 6th Street, N. W. to 5th Street N. W., in the block lying between Loudon Avenue and Centre Avenue, beginning at the east side of 6th Street between lots bearing Official Tax Nos. 2013101 and 2013115, and extending east to its intersection with 5th Street, between lots bearing Official Tax Nos. 2013114 and 2013123, extending north, and on the west extending along the east border of the lot bearing Official Tax No. 2013109 and on the east extending along the west border of lots bearing Official Tax Nos. 2013114 - 2013110, extending north to its intersection with Loudon Avenue, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 3, 2003, and Friday, January 10, 2003.

A report of the City Planning Commission advising that the petitioner, Northwest Neighborhood Environmental Organization (NNEO), has filed a rezoning petition for Official Tax Map Nos. 2013101, 2013102, 2013103, 2013104, 2013105, 2013106, 2013107, 2013108, and 2013109, concurrently with this petition; combined, these two petitions request what is needed for the petitioner to develop all but five parcels of a northwest City block bounded by 5th Street to the east, 6th Street to the west, Loudon Avenue to the north, and Centre Avenue to the south; the portion of the subject alley that runs east to west is open to traffic, but is not paved; and the other portion of the alley that runs north to south and connects to Loudon Avenue is not open to traffic, was before Council.

It was further advised that while the petitioner's request does not adhere to the design principles regarding alleys stated in Vision 2001-2020, the rezoning request and proposed use of the subject alley are consistent with several policies and actions stated in the plan; and approval of the request will allow development of underutilized land in one of the City's Rehabilitation Districts.

The City Planning Commission recommended that Council approve the request to vacate, discontinue and close the subject alley, subject to certain conditions and does not recommend that the petitioner be charged for the property since no public inconvenience would result by vacation of the right-of-way.

The Mayor inquired if there were persons present who would like to speak in connection with the matter; whereupon, no person expressed a desire to be heard.

Inasmuch as the previous request of the NNEO for rezoning was continued until the regular meeting of Council on Monday, February 3, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, in order to address concerns raised by Quality Produce, the Mayor advised that without objection by Council, the matter presently on the floor would also be continued until the regular meeting of Council on Monday, February 3, 2003, at 2:00 p.m.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of David J. Ostrom, Jr., to rezone a portion of land located at 1033 Pocahontas Avenue, N. E., described as Lot 27, Section 1, Fairmont Corp., Official Tax No. 3042118, from RM-1, Residential Multi-family, Low Density District, to LM, Light Manufacturing District, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 3, 2003, and Friday, January 10, 2003.

A report of the City Planning Commission advising that the subject parcel is approximately 6,800 square feet and is situated on the corner of Pocahontas Avenue and 11th Street N. E.; a 900 square foot, one-story masonry structure is situated on the southern portion of the property and fronts on 11th Street; the parcel of land has been previously used commercially and has no history of being utilized for any residential purpose; the petitioner plans to use the property for the storage of inventory for the petitioner's electrical contracting business; employees of the petitioner's business will meet at the property, pick up inventory, and go to the job site; and there will be no office at the property, was before Council.

The City Planning Commission recommended that Council approve the request, advising that given the surrounding land use pattern, the permitted uses of the LM, Light Manufacturing District, are appropriate uses for the subject property.

Mr. Carder offered the following ordinance:

(#36214-012103) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 304, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 67, page 88.)

Mr. Carder moved the adoption of Ordinance No. 36214-012103. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Members of Council, Ordinance No. 36214-012103 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Robert and Sandy P. Monsour to rezone a tract of land consisting of 0.36-acre, located at the intersection of Plantation Road and Liberty Road, N. E., identified as Official Tax No. 3130805, from RM-1, Residential Multi-family, Low Density District, to CN, Neighborhood Commercial District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 3, 2003, and Friday, January 10, 2003.

A report of the City Planning Commission advising that the petitioner proposes to construct a 3,720 square foot building on the property as proffered by a site plan; a user for the building has not been identified; although not specifically identified in Vision 2001-2020 as a village center, the location of the property is consistent with the concept of a neighborhood village center; in accordance with Vision 2001-2020, village centers vary in size based on the scale of buildings and the customer base served; and with its location at a key intersection and proximity to residential neighborhoods, the subject property is in an ideal location for a small neighborhood village center, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning, as amended by revised proffer, given the proffered site plan's consistency with Vision 2001-2020 in the placement of the building close to the street and the location of off-street parking to the rear of the building, consistency of the location with the village center concept, and higher intensity uses in terms of traffic volume that have been excluded by proffer.

Mr. Dowe offered the following ordinance:

(#36215-012103) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 313, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicants; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 67, page 90.)

Mr. Dowe moved the adoption of Ordinance No. 36215-012103. The motion was seconded by Mr. Carder.

Mary Ellen F. Goodlatte, Attorney, appeared before Council in support of the request of her client.

The Mayor inquired if there were persons present who would like to speak in connection with the matter; whereupon, Ms. Joyce Oliver, 521 Liberty Road, N. E., spoke in opposition to the rezoning. She advised that she has lived next door to the property for approximately 30 years and rezoning will adversely impact traffic in an area that currently has a tremendous volume of traffic.

No other persons wishing to be heard, the Mayor declared the public hearing closed.

There being no questions and/or comments by the Members of Council, Ordinance No. 36215-012103 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder, and Mayor Smith-----7.

NAYS: None-----0.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Kristi Parr that an alley intersecting with Mississippi Avenue, N. E., and between Official Tax Nos. 3130429 and 3130428, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 3, 2003, and Friday, January 10, 2003.

A report of the City Planning Commission advising that the property, Official Tax No. 3130429, is zoned RM-1, Residential Multi-family Low Density District, as are all of the surrounding properties; the surrounding properties are all of a single-family residential use; and the requested closure will have no impact on traffic and the additional land will not enable the petitioner to further develop the property, was before Council.

The City Planning Commission recommended that Council approve of the request to vacate, discontinue and close the subject alley, subject to certain conditions and does not recommend that the petitioner be charged for this parcel of land.

Mr. Carder offered the following ordinance:

(#36216-012103) AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 67, page 91.)

Mr. Carder moved the adoption of Ordinance No. 36216-012103. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Members of Council, Ordinance No. 36216-012103 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of St. Paul United Methodist Church, Board of Trustees, that a portion of Moorman Road, N. W., be barricaded at its intersection with Fifth Street, N. W., the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 3, 2003, and Friday, January 10, 2003.

A report of the City Planning Commission advising that the petitioner has long-term plans to develop a community center and amphitheater on the western side of its property on Moorman Road; at present, the petitioner is building additions to St. Paul United Methodist Church on the southern and western sides; and the petitioner contends that the proposed request will increase pedestrian safety and protect its building from vehicular damage, was before Council.

The City Planning Commission recommended that Council approve the request to barricade Moorman Road at its intersection with 5th Street, N.W., on a temporary basis for a specified time period of one year from the date of adoption of the ordinance; the one-year period will allow staff to evaluate the impact of the barricade before considering a permanent closure or vacation of the right-of-way; and the time period should be sufficient for the petitioner to complete construction work currently underway (with the benefit of less traffic), and take the necessary steps to acquire the properties needed to file a petition to vacate this section of Moorman Road.

Mr. Carder offered the following ordinance:

(#36217-012103) AN ORDINANCE authorizing the alteration and closing by barricade of certain public right-of-way in the City of Roanoke, Virginia, as are more particularly described hereinafter, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 94.)

Mr. Carder moved the adoption of Ordinance No. 36217-012103. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, the Mayor declared the public hearing closed.

There being no questions and/or comments by the Members of Council, Ordinance No. 36217-012103 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Old Southwest and Belmont Neighborhood Plans, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 3, 2003, and Friday, January 10, 2003.

A report of the City Planning Commission recommending the Old Southwest Neighborhood Plan, with minor and grammatical changes as noted at the public hearing, for adoption as an element of Vision 2001-2020, the City's Comprehensive Plan, was before Council.

Ms. Wyatt offered the following ordinance:

(#36218-012103) AN ORDINANCE approving the Old Southwest Neighborhood Plan, and amending Vision 2001-2020, the City's Comprehensive Plan, to include the Old Southwest Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 67, page 95.)

Ms. Wyatt moved the adoption of Ordinance No. 36218-012103. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to speak in connection with either of the neighborhood plans; whereupon Mr. Robert N. Richert, 415 Allison, S. W., appeared before Council in support of the Old Southwest Neighborhood Plan.

There being no further speakers, the Mayor declared the public hearing closed.

There being no questions and/or comments by the Members of Council, Ordinance No. 36218-012103 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder, and Mayor Smith-----7.

NAYS: None-----0.

A report of the City Planning Commission recommending that Council adopt the Belmont-Fallon Neighborhood Plan as a component of the City's Comprehensive Plan, was also before Council.

Mr. Dowe offered the following ordinance:

(#36219-012103) AN ORDINANCE approving the Belmont Neighborhood Plan, and amending Vision 2001-2020, the City's Comprehensive Plan, to include the Belmont Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 67, page 97.)

Mr. Dowe moved the adoption of Ordinance No. 36219-012103. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-WATER RESOURCES: Pursuant to action by the Council, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal to change the structure of City water rates and related charges for services which will result in increases in certain rates and related charges, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Tuesday, December 31, 2002, and Tuesday, January 7, 2003.

The City Manager submitted a communication advising that discussions between the City of Roanoke and Roanoke County continue with regard to formation of a regional water authority; however, as has been stated previously, even with the formation of a water authority, the current points of interconnection between the two distribution systems limit the amount of water that can be transferred; and costs associated with making new interconnections are significant and cannot be supported under the current water rate structure.

It was further advised that purchase of water from the City of Salem and Roanoke County to offset drought conditions has significantly depleted Water Enterprise Fund cash reserves; these reserves are typically used to fund capital improvement projects; in addition, increased funding for infrastructure replacement within the City's water distribution system is needed, which includes additional fire hydrants and replacement and automation of water meters, as well as replacement of water mains; a water rate increase is needed to meet funding requirements; and staff from the Departments of Utilities and Finance have developed the following recommended rate increase:

A 35 per cent increase to both tiers of the current water rates from \$1.21 to \$1.63 per hundred cubic feet (HCF) for tier one and from \$1.33 to \$1.80 per HCF for tier two, which includes irrigation rates;

An increase of approximately ten per cent in the minimum charge from \$2.95 to \$3.25 per month for 5/8 inch meters; and

A downward adjustment in the tier breakpoint for commercial and industrial meter classes. The proposed tier breakpoints are 100 HCF for commercial down from the current 1,000 HCF and 500 HCF for industrial down from the current 5,000 HCF.

It was noted that no change in the residential tier, currently ten HCF, is recommended; recommended rate changes are expected to generate between \$2.4 and \$3.1 million in revenue annually; rate increases are recommended for implementation on March 1, 2003; based on this implementation date, additional revenue of \$800,000.00 is expected for fiscal year 2003, and \$500,000.00 of this amount is requested for appropriation at this time to fund additional well supplements at Crystal Spring.

The City Manager recommended that Council approve the revised utility rates as above referenced, and increase revenue estimates for fiscal year 2003 by \$500,000.00 as follows: (1) Commercial - \$189,571.00, (2) Industrial - \$24,408.00, (3) Domestic - \$286,021.00; and appropriate \$500,000.00 to Account No. 002-530-8408-9003.

Mr. Dowe offered the following budget ordinance:

(#36220-012103) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 98.)

Mr. Dowe moved the adoption of Ordinance No. 36220-012103. The motion was seconded by Mr. Carder.

The Major inquired if there were persons present who would like to speak in connection with the matter; whereupon, the following persons were recognized.

Ms. Janet Holton, 11 Nancy Circle, N. W., advised that citizens do not mind restricting the use of water in order to keep the rates down; however, she stated that a 35 per cent increase is too much at one time.

Ms. Estelle McCadden, 2828 Mercer Avenue, N. W., expressed concern with regard to a 35 per cent increase in rates. She stated that the problem started long before 1985 and should have been addressed by previous Councils and City administrations so as to avoid a 35 per cent increase at one time. She noted that the average citizen cannot afford a 35 per cent increase.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke on behalf of senior citizens who live on a fixed income who understand the need for an increase in water rates, but a 35 per cent increase is unacceptable. She advised that timing is bad when senior citizens are forced to pay large utility bills because of severe winter weather conditions. She asked that Council look at the overall picture and not enact such a large increase at one time.

Mr. Robert Gravely, 3360 Hershberger Road, N. W., spoke against an increase of 35 per cent in water rates, particularly as it relates to poor and elderly citizens.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that a 35 per cent increase is proposed in one of the basic necessities that all citizens need. She expressed concern for the plight of senior citizens living on fixed incomes; and advised that citizens are not rallying against a water rate increase because they understand the reality of expenses, but citizens believe that water rates should be passed on in gradual increases. She stated that City Council is increasing the cost because previous City Councils refused to increase the rate years ago, which is not fair to the present Council or to the citizens of Roanoke.

Mr. John McGonigal, 706 Montrose Avenue, S. E., spoke on behalf of the Belmont Neighborhood Association. He advised that the need for a water rate increase is understood, but citizens are concerned with the amount of the increase. He stated that the increase could affect not only senior citizens on a fixed income, but also young families struggling with children who face the ever increasing rates on other utilities and

expenses. He noted that the Belmont Neighborhood Association stands with other neighborhoods against such an excessive increase, and asked that if Council must vote for such a large increase that it continue to work with Roanoke County to create a regional water authority to spread the cost between both localities in order to ensure a water supply for years to come.

There being no further speakers, the Mayor declared the public hearing closed.

Council Member Dowe encouraged consideration of monthly water bills so that increases will not appear to be so large.

Council Member Bestpitch advised that Council is committed to moving forward with the regional water authority, but signing the agreement will not provide increased water without making needed investments in the infrastructure. He stated that the Finance Best Practices Task Force has discussed the issue of a budget plan for water customers who would like to receive a projection for water usage and budget X amount of dollars per month spread out over 12 payments, in lieu of four larger payments.

Council Member Wyatt advised that the reality of a water authority is, because the City's water rates have been so low and continue to be low and Roanoke County's water rates are so much higher, if and when the localities enter into a water authority, City rates will increase, therefore, a water authority will not save money, but will offer the assurance of water for the citizens of Roanoke.

Ordinance No. 36220-012103 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following ordinance:

(#36221-012103) AN ORDINANCE changing the rate structure and establishing a revised rate schedule for certain rates for water provided by the City effective March 1, 2003; directing amendment of the Fee Compendium; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 99.)

Mr. Carder moved the adoption of Ordinance No. 36221-012103. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY PROPERTY: Pursuant to action by Council, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to convey surplus property located at the intersection of Gainsboro Road and Gilmer Avenue, N. W., identified as Official Tax No. 2011718, to the nearby property owner; and to convey surplus property located at the intersection of Gainsboro Road and Harrison Avenue, N. W., described as Official Tax Nos. 2021788 and 2021789, to adjacent property owners residing at 101 Harrison Avenue, N. W., the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 10, 2003.

The City Manager submitted a communication advising that the parcels of land are located on Gainsboro Road, N. W., at the intersections of Gainsboro Road and Gilmer Avenue and at Gainsboro Road and Harrison Avenue and were acquired by the City in 1994 and 1995, respectively, as part of the right-of-way for the Second Street/Gainsboro Road Project; construction has been completed, leaving small residual parcels; and the property is no longer needed by the City and may be disposed of as surplus property in exchange for the grantee agreeing to maintain the property in perpetuity.

It was further advised that the City would be relieved of the cost of continued maintenance of the property; conveyance of the property to the adjacent property owners will also return the property to the tax base; Official Tax No. 2011718 is adjoined by two vacant parcels owned by Mary W. Cabbler, which are located next to property identified as 125 Gilmer Avenue, N. W.; and adjacent owners of Official Tax Nos. 2021788 and 2021789 are Francis and Karon Jeffries at 101 Harrison Avenue, N. W., all of whom have agreed to accept the property.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents to convey the above referenced property to the adjacent property owners, said documents to be approved as to form by the City Attorney.

Mr. Carder offered the following ordinance:

"AN ORDINANCE authorizing the City Manager to execute agreements, deeds and related and necessary documents providing for the conveyance of City-owned property located at the intersections of Gainsboro and Gilmer Road and at Gainsboro and Harrison Road, and being identified as Official Tax Nos. 2011718, 2021788 and 2021789, to adjacent and nearby property owners, upon certain terms and conditions, and dispensing with the second reading of this ordinance."

Mr. Carder moved the adoption of the ordinance. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

Mr. Bestpitch offered a substitute motion that the ordinance be tabled until a previous question is addressed with regard to placing restrictions on the deed to property located at the intersection of Gainsboro Road and Gilmer Avenue, as to the type of grading to be permitted on the site. The motion was seconded by Mr. Cutler and unanimously adopted.

SEWERS AND STORM DRAINS-EASEMENTS: Pursuant to action by Council, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to vacate sewer/drainage easements on Wildwood Road, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 10, 2003.

The City Manager submitted a communication advising that June W. Camper, owner of property located on Wildwood Road, S. W., identified as Official Tax No. 1070605, has requested that the City vacate portions of the sanitary sewer and drainage easements that interfere with development of the parcel; Robert H. Kulp, Jr., and G. Baker Ellett, contract purchasers of the property propose to relocate existing utilities and easements and are willing to dedicate to the City alternate easements for the new alignment; plats have been reviewed by and are acceptable to the City Engineer; the owner of an adjacent parcel of land described as Lot 3A, June W. Camper, has agreed to dedicate the proposed easement on the parcel; and the existing easement on Lot 1A is not being vacated.

Following the public hearing, the City Manager recommended that she be authorized to execute the appropriate documents vacating the existing easements and accepting the new easements; and purchasers of the property will be responsible for preparation of all necessary documents, to be approved as to form by the City Attorney, and for all expenses associated with relocating any existing utilities.

Mr. Carder offered the following ordinance:

(#36222-012103) AN ORDINANCE authorizing the vacation and relocation of a portion of a sanitary sewer and drainage easement across Tax Map No. 1070605, located on Wildwood Road, S. W., and across a portion of the adjoining parcel identified as Official Tax No. 1070603, authorizing the acceptance and dedication of a new sanitary sewer and drainage easement across a portion of the same properties, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 67, page 102.)

Mr. Carder moved the adoption of Ordinance No. 36222-012103. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Members of Council, Ordinance No. 36222-012103 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder, and Mayor Smith-----7.

NAYS: None-----0.

CITY PROPERTY-LEASES-SCHOOLS: Pursuant to action by the Council, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to authorize extension of a lease, entered into by the City of Roanoke and the Roanoke City School Board, of a portion of City-owned property, known as the Jefferson High School Gymnasium, located at 540 Church Avenue, S. W., identified as Official Tax No. 1113414, to the Young Men's Christian Association of Roanoke, Virginia, for a period of six months, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 3, 2003, and Friday, January 10, 2003.

The City Manager submitted a communication advising that the Young Men's Christian Association (YMCA) of Roanoke, Virginia, currently leases the Jefferson High School Gymnasium from the School Board for the City of Roanoke; the current lease agreement which was a three party agreement among the City of Roanoke, the School Board for the City of Roanoke and the YMCA expired on January 18, 2003; and the YMCA is interested in continuing its use of the space and has notified the School Board of its intention to negotiate a new lease of the property.

It was further advised that as a condition of the current lease agreement, the School Board acts as Lessor, until such time as the facility is no longer dedicated for school purposes and the City of Roanoke then becomes Lessor; it is anticipated that the School Board will approve the lease extension at its January 14, 2003, meeting and will provide notice to the City that it no longer wishes to act as Lessor, as its current use of the facility is limited; currently, the YMCA pays the School Board one dollar per year to lease the space; the YMCA is required to handle all operational expenses according to the current agreement; the YMCA desires to continue its lease of the property and incorporate the gym into operations of its proposed new facility; currently, an agreement is being negotiated that would transfer ownership of the facility to the YMCA, in exchange for services provided to the citizens of the City of Roanoke; and to accommodate the time needed to negotiate an exchange agreement, the YMCA has requested a six month extension of the current agreement.

Following the public hearing, the City Manager recommended that she be authorized to execute an extension of the existing lease among the City of Roanoke, the School Board for the City of Roanoke and the YMCA, permitting a six-month term, in the amount of \$1.00, to allow appropriate time for the YMCA and the City to negotiate conditions for transfer of ownership, said six-month extension period to begin on January 19, 2003, and end on July 18, 2003.

Mr. Carder moved that the following ordinance be placed upon its first reading:

(#36223) AN ORDINANCE authorizing and directing the proper City officials to enter into a lease extension between the City, the School Board of the City of Roanoke and the Young Men's Christian Association of Roanoke, Virginia, for use of the Jefferson High School gymnasium, upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 67, page 105.)

The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Members of Council, Ordinance No. 36223 was adopted on its first reading by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder, and Mayor Smith-----7.

NAYS: None-----0.

LEASES-COMMONWEALTH OF VIRGINIA BUILDING: Pursuant to action by Council, the City Clerk having advertised a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal to extend the lease of the Commonwealth Building to the United States General Services Administration, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, January 10, 2003.

The City Manager submitted a communication advising that the General Services Administration (GSA) leases the second floor of the Commonwealth Building for use of the Federal Bankruptcy Court and affiliated offices, which lease expires on January 31, 2003; the GSA is interested in continuing the lease of space and is considering leasing more space within the Commonwealth Building; currently, the GSA leases 12,413 square feet, including the entire second floor and one office on the first floor; current lease rate is \$6.50 per square foot, plus \$3.97 per square foot, for operating costs, with annual rent totaling \$130,007.76; and renewal of the lease involves the same square footage and base rate per square foot, with the rate for operating cost increasing according to the Consumer Price Index for 1982 – 1984 = 100, as a condition of the current lease.

It was further advised that the GSA is actively searching for additional office space to support its current operation in the Commonwealth Building; additional space has tentatively been identified on the first floor of the building; the GSA is in the process of determining if the space will adequately address needs of the Bankruptcy Court; and to accomplish negotiating a lease that will incorporate the current leased area and any additional space, the GSA has requested a one-year extension of the current lease agreement.

Following the public hearing, the City Manager recommended that she be authorized to offer and to execute an extension of the existing lease agreement between the City of Roanoke and the GSA, permitting a one-year term to allow time for the GSA and the City to negotiate terms and conditions for a new lease agreement, commencing on February 1, 2003, and ending on January 31, 2004.

Mr. Carder offered the following ordinance:

(#36224-012103) AN ORDINANCE authorizing the extension of an existing lease between the City of Roanoke and the General Services Administration of the United States of America for the lease of certain space in the Commonwealth Building, located at 210 Church Avenue, S. W., for a period of one year, authorizing the City Manager to execute the requisite lease extension agreement, and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 104.)

Mr. Carder moved the adoption of Ordinance No. 36224-012103. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Members of Council, Ordinance No. 36224-012103 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Harris, Wyatt, Bestpitch, Carder and Mayor Smith-----7.

NAYS: None-----0.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, report and recommendation to Council.

INSURANCE-BUDGET-LEGISLATION-SCHOOLS: Anita Price, President, Roanoke Education Association, extended an invitation to the Members of Council to participate in a rally to be held on Monday, January 27, 2003, at 11:00 a.m., in Richmond, Virginia, at which time teachers will lobby the General Assembly to show a united front in support of public education. She expressed appreciation for the resolution adopted by Council acknowledging the educational funding crisis. She expressed concern that Roanoke City School teachers are anticipating an increase in their insurance premiums by as much as 50 per cent or more.

COMPLAINTS-WATER RESOURCES: Mr. Robert Gravely, 3360 Hershberger Road, N. W., spoke against the 35 per cent increase in water rates, and expressed concern over the lack of progress by the City of Roanoke.

CITY COUNCIL: In reference to scheduling future public hearings before the Council, Council Member Wyatt requested that those public hearings that are anticipated to be controversial in nature be scheduled following non-controversial public hearings.

There being no further business, the Mayor declared the meeting adjourned at 10:55 p.m.

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**
